

AN EVALUATION OF THE IMPLEMENTATION OF IGNITION INTERLOCK IN CALIFORNIA

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| 12a. DISTRIBUTION/AVAILABILITY STATEMENT | | | 12b. DISTRIBUTION CODE | |
| 13. ABSTRACT (Maximum 200 words) California law requires judges to sentence offenders convicted of driving on a DUI-suspended driver license (DWS-DUI) to install an ignition interlock device (IID) on any vehicle that they own or operate. In addition, repeat DUI offenders can reduce their suspension period by half and obtain a restricted license by installing an IID. This report presents the results of a process study of the degree to which California's IID laws have been implemented. The process evaluation consists of several components. DWS-DUI and DUI offenders were tracked through law enforcement, DMV, court and ignition installer records to obtain data on rates of DWS convictions, court-IID orders, IID installations and offender success on the IID program. In addition, DMV records were utilized to obtain data on court-IID orders throughout the state, over time and jurisdictions. Finally, judges, district/city attorneys and offenders were surveyed to obtain data on barriers to the use of IIDs, and attitudes and opinions of the devices. The results of the process studies showed that DWS conviction rates were less than 20%, court-IID order rates for DWS-DUI convictees, for whom such an order is required by law, were only about 25%, and only a minority of offenders ordered to install a device complied and installed an interlock. In addition, relatively few repeat DUI offenders chose to obtain a restricted license by installing an IID. While some recommendations are made for improving the current IID countermeasure system, it is strongly recommended that the current IID laws remain unchanged until the results of the legislatively-mandated outcome evaluation of California's interlock laws are available. | | | | |
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PREFACE

This report is the final product of a process evaluation of California's ignition interlock laws. The report was mandated by the California Legislature pursuant to Assembly Bill 762 (Torlakson), and was funded in part by the California Office of Traffic Safety. The report was prepared by the Research and Development Branch of the California Department of Motor Vehicles under the administrative direction of Clifford J. Helander, Chief.

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The author would like to acknowledge the contributions of the following individuals and agencies to this project. The data for the study were provided by staff too numerous to mention individually in various courts, law enforcement agencies and ignition interlock installation facilities throughout California. Leonard Marowitz initiated the process study, and Sue LaMar and Gary Winkelman provided important information about the implementation of the interlock laws by Department of Motor Vehicles and ignition interlock installers. Roger Locke produced the GIS map of ignition interlock orders in California. Debbie McKenzie coordinated the production of the report and produced the graphs, and Clifford J. Helander provided general direction and supervised the study.

EXECUTIVE SUMMARY

Background

While significant progress has been made in reducing drunk driving during the past two decades, alcohol still plays a significant role in motor vehicle crashes, and traffic safety professionals continue to search for measures to better control drinking drivers. One such measure that is receiving increasing attention is the ignition interlock device, or IID. The interlock is a device consisting of an alcohol breath testing unit that is connected to the ignition switch of a vehicle. The driver is required to provide a breath sample before starting the vehicle, and if the sample contains more than a predetermined amount of alcohol, the IID locks the vehicle's ignition, preventing the vehicle from being driven.

Although IIDs have yet to be used widely, they have been around for some time. The National Highway Traffic Safety Administration (NHTSA) researched the devices during the 1960s, and found that while they had promise, they were easily circumvented. Research and development work continued, and many of the shortcomings of the early devices were corrected. The IIDs that are currently being

used have measures designed to curb the ability of an offender to bypass the device. One such measure is the rolling retest, which requires the driver to continue to provide breath samples at random intervals once the vehicle has been started and driven.

Beginning in the late 1980s, a number of states began incorporating IIDs in their sentencing of drunk drivers, and several of these programs were evaluated. Evaluations of interlock programs in Ohio (Elliot and Morse, 1993), Maryland (Beck et al., 1999), Alberta, Canada (Beirness et al., 1997) and Sweden (Bjerre, 2002) demonstrated that IIDs reduced drunk driving recidivism, but other studies in Oregon (Jones, 1992) and California (EMT Group, 1990) found that the devices were not as effective as license suspension (Oregon), or that they had no effect (California).

When all of the IID studies are combined, their findings suggest that interlocks can reduce DUI recidivism while they remain on offenders' vehicles, but that once they are removed, recidivism rates climb back up; this suggests that there is no social learning associated with IIDs. In addition, the effectiveness of IIDs may vary somewhat across populations and geography, which raises questions about who the devices are most appropriate for, and at what stage they should be used.

Current Study

Interlock devices were first authorized for use in California by the Farr-Davis Safety Act of 1986, which established a pilot IID program in 4 counties in the state. Subsequent legislation (AB 2040) allowed interlocks to be used throughout California, but the law was discretionary, and judges did not frequently use it in sentencing DUI offenders. In 1993, the Legislature passed AB 2851, which changed the discretionary nature of the previous law, and required judges to order IIDs for all repeat drunk drivers. However, even with this new mandatory law, judges ordered interlocks for less than one-quarter of repeat DUI offenders.

One reason given by judges for not using IIDs in sentencing was that it didn't make sense to order a DUI offender whose driver license was suspended to install an interlock on a vehicle that he was not permitted to drive. In an effort to create a more robust interlock program in California, a new law was enacted (AB 762) which changed the focus to drivers convicted of driving on a DUI-suspended driver license (DWS-DUI). Judges are now required to order IIDs for DWS-DUI offenders, and also may order them for DUI offenders. In addition, repeat DUI offenders may, after serving half of their license suspension period, install an interlock and apply to the Department of Motor Vehicles (DMV) for a restricted driver license.

When the Legislature passed the current interlock law, they added a provision mandating that DMV conduct a rigorous, scientific evaluation of California's interlock program (California Vehicle Code Section 23249). The evaluation consists of two parts. The first is a process evaluation, which evaluates the degree to which interlock has been

implemented in California, while the second is an outcome evaluation, which studies whether IIDs are effective in reducing DUI recidivism in the state. This report describes the results of the process evaluation. The outcome evaluation, which is just underway, is to be reported to the Legislature by July 2004.

Research Methods

This process study is really several smaller studies. One study tracked DWS-DUI offenders from the point of arrest through conviction, sentencing and interlock assignment, while two additional studies examined DUI and DWS-DUI convictees. These studies provide important information on DWS-DUI conviction rates, plus rates at which courts order IIDs for DWS-DUI convictees (as required by law), the rate at which offenders install IIDs when ordered to do so, and the rate that offenders successfully complete an interlock sentence. In addition, these three studies examined the integrity of the reporting of IID orders, IID circumvention and program completion among the DMV, courts and ignition interlock installers.

Two additional studies utilized court sentencing data and DMV licensing data, stored on DMV's database, to assess the degree to which courts are ordering IIDs for those DWS offenders who are mandated to receive them, and to find out whether repeat DUI offenders are opting to install interlocks in order to obtain a restricted driver license. These two studies complement the three DWS-DUI/DUI tracking studies, and provide "bottom line" information on interlock implementation in California.

While the aforementioned studies provide important information on whether IIDs have been implemented in California, they do not answer questions about why the implementation rates are at the level they are at. In order to provide detailed information that might explain the results on IID implementation, a mail survey was conducted of judges and district/city attorneys throughout California. The survey included questions on prosecuting DWS offenses, the use of IIDs in sentencing, and attitudes and opinions of interlock devices. In addition, a sample of offenders who installed an IID was surveyed in order to obtain information on operational issues surrounding interlocks, and on whether the devices prevented driving after drinking.

Results and Discussion

DWS & DUI tracking samples

One of the best indicators of the prosecution and conviction of DWS offenders, and the degree to which judges are ordering interlocks for them as required by law, is provided by data from the DWS and DUI tracking samples. More than 5,000 drivers arrested for DWS-DUI were tracked from arrest to conviction, and the results showed that only 887, or 18%, were convicted of some DWS offense (i.e., a DWS offense where the license was suspended for any reason). According to California law, all 887 offenders should have

been ordered to install an IID – the results showed that only 83 offenders (11%) received such an order. Of the 83 offenders ordered to install an IID, only 18 complied with the court order and actually installed an interlock device.

The results from the tracking samples show that DWS conviction rates are low, that judges order IIDs for only a small proportion of DWS offenders who should, according to law, receive such an order, and that most offenders who are ordered to install an IID do not do so. In short, these analyses suggest that the implementation of California's interlock laws by the courts has been weak.

Statewide count of IID orders

While the results of the analyses of data from the tracking samples provide important information on the implementation of California's interlock laws, they do not answer questions about the overall numbers of interlock orders in the state, or about whether the use of IIDs by the courts has changed over time. These questions were addressed by analyzing the DMV records of all California drivers.

All drivers who were arrested for DWS-DUI between July 1, 1999 (the effective date of the new interlock law) and December 31, 2001 were selected for the analysis. Sentencing data transmitted to DMV by the courts were used to determine whether drivers were ordered to install an IID. Figure 1 shows the percentage of DWS-DUI convictees ordered to install an IID, by quarter, between July 1999 and December 2001.

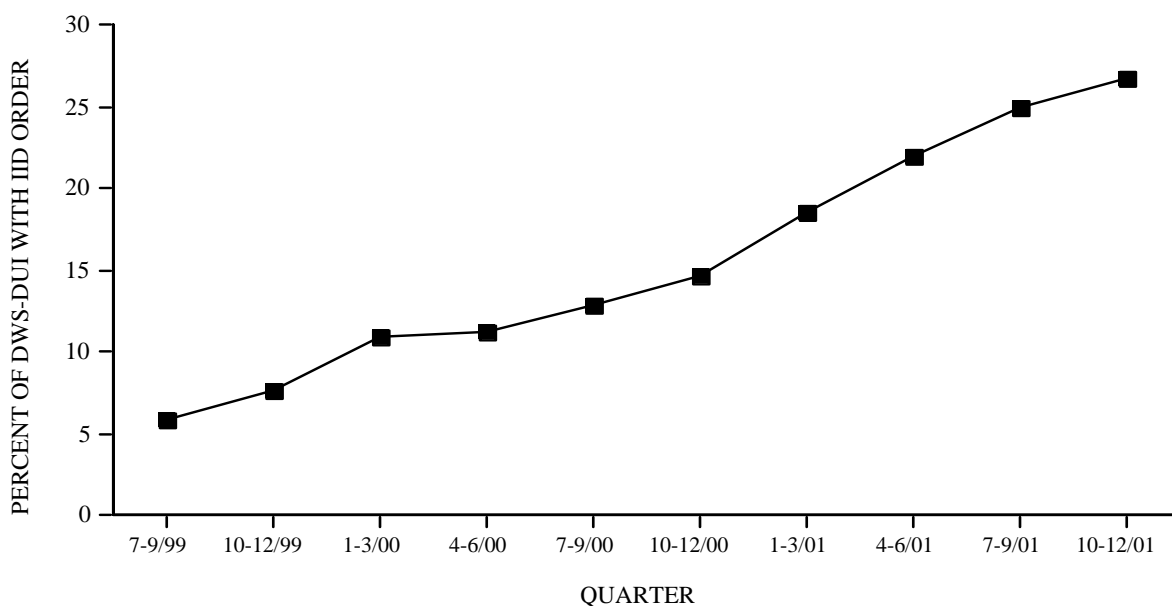


Figure 1. Percent DWS-DUI convictees with court IID order.

Figure 1 shows that the courts have steadily increased their use of IIDs in sentencing, and that for the most recent quarter, approximately 27% of DWS-DUI convictees were ordered to install an IID. This figure of 27% translates into 1,121 court orders to install an interlock during the most recent quarter.

While court IID orders for DWS-DUI offenders has steadily increased, it still only stands at about 27%; by law, judges are required to order interlocks for all offenders convicted of DWS-DUI. These results confirm those from the tracking samples, and provide further evidence that the courts have only weakly implemented the state's interlock laws.

The use of IIDs in sentencing was also examined geographically. Courts were categorized by county, and the court-IID-order rate for DWS-DUI convictees was calculated for each county. The results for this analysis are shown in Figure 2.

Figure 2 shows a California map with the counties outlined in black. The colors of the counties represent court-IID-order rates, with lighter colors representing lower rates. The most important point demonstrated by Figure 2 is that court-IID-order rates vary significantly from county to county. This suggests that, while courts have generally not implemented California's IID mandate, there is significant variation among courts, suggesting that a judicial IID program can be successfully implemented.

The discussion about the implementation of California's IID laws has, to this point, focused on the mandatory aspect of the laws, which requires judges to order IIDs for DWS-DUI offenders. However, there is also a discretionary part of the law, that encourages repeat DUI offenders to install an interlock by allowing them to obtain a restricted driver license (after serving half of their suspension term), if they install a device. Has this optional, discretionary program worked better than the mandatory one? The data show that DMV is only issuing about 50-60 IID-restricted licenses a month, and that there are about 20,000 repeat DUI offenders who are potentially eligible for such a restricted license.

These findings are perhaps not too surprising, given that the significant majority of DUI and DWS-DUI offenders do not install an IID even when the court orders them to do so. Clearly, there appears to be substantial opposition on the part of offenders to installing an IID on their vehicles, and even the inducement of cutting their suspension term in half is not sufficient to encourage them to install a device.

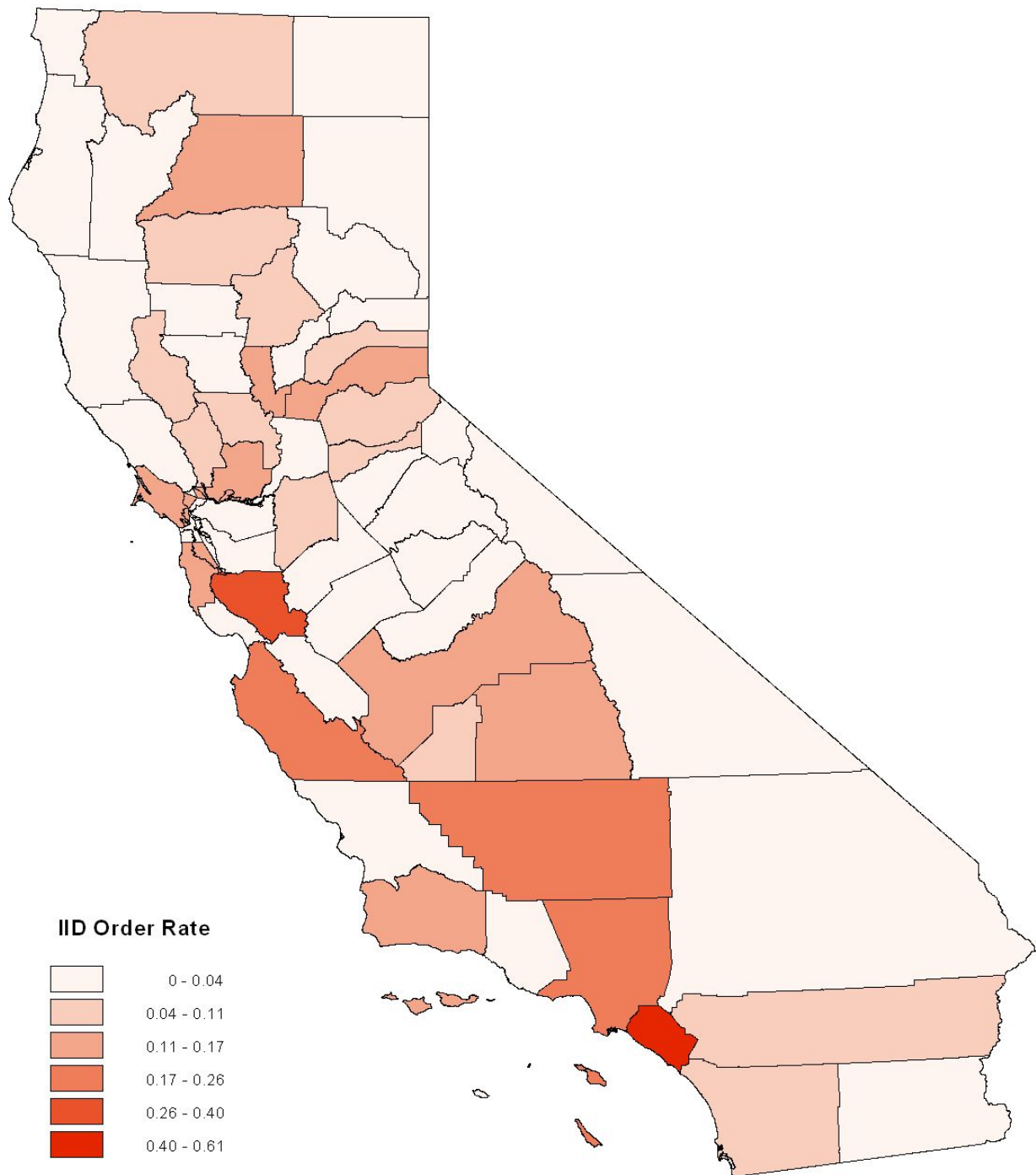


Figure 2. Court IID order rate by county.

Surveys of judges, prosecutors and offenders

The findings discussed so far show that there are significant problems in the implementation of California's ignition interlock laws, but they do not explain why the laws have not been more fully implemented. The surveys of prosecutors, judges and offenders do shed some light on these adjudication and implementation problems.

One survey question asked district and city attorneys what could be done to enhance the prosecution of DWS offenses. The most common response was to improve the proof of service of the suspension order. The proof of service problem arises primarily from those suspension orders mailed by DMV to offenders – if there is no acknowledgement on the part of the offender that he received the order, it is difficult for prosecutors to prove in court that he knew he was suspended.

Both judges and district/city attorneys were asked whether they thought IIDs were effective in reducing DUI, and whether they had a role in preventing drinking and driving. Eighty-five percent of district/city attorneys stated that they thought interlocks were very or somewhat effective, indicating strong support for the devices. Judges were less supportive; one-third of judges said that interlocks were not at all effective. This indicates that some of the non-utilization of IIDs in sentencing may be due to judges lack of faith in the devices.

Still, a majority of district/city attorneys and judges are supportive of IIDs, at least in concept. Why, then, are they not being used more often? Judges and district/city attorneys were asked what barriers exist to using IIDs, and both groups listed the same three concerns:

- Many offenders are unable to pay for an IID
- Many offenders have no vehicles
- Monitoring offenders ordered to install an IID is time-consuming and difficult.

Thus, it appears that much of the lack of implementation of interlock by the courts is due to operational problems associated with using IIDs in a judicial program in California. Of secondary importance, but still a factor in the non-use of IIDs, is that a significant minority of judges does not believe that the devices are effective.

Offenders who installed an interlock were also surveyed, in order to obtain information on how well interlocks function from a users perspective. Surprisingly, a large majority of offenders who responded were positive about their experiences, saying that the interlock prevented them from drinking and driving, and that the device changed their drinking behavior in a positive fashion. Of some concern was the finding that one-third of offenders claimed that the IID, specifically the rolling retest feature, made driving more dangerous. This is an issue primarily of divided attention, and appears serious enough to warrant further investigation.

Analysis of IID reporting among courts, DMV and interlock installers

Records of IID orders, installation, bypass and program completion were compared among DMV, courts and ignition interlock installers in order to assess the integrity of the reporting and records systems among all three organizations. While the records generally agreed, there were some discrepancies. Specifically, court and DMV records did not always agree with respect to court IID orders, indicating that there might be a problem with courts transmitting the correct sentencing data to DMV. In addition, there was some discrepancy between court and interlock installer records on offender bypass of the IID, and successful completion of the interlock sentence.

A change to current reporting procedures could ameliorate some of the current problems with the reporting of IID orders, and ensure that IID restrictions are placed on the driver record. This change, which would require enabling legislation, would mandate that DMV place an IID license restriction on the record of any person convicted of DWS-DUI, until such time the person is legally licensed again. In addition, court-reported dispositions representing an IID order would be reserved for only those cases where the court actually ordered the offender to install an interlock device. Finally, in situations where the offender was arrested for DWS-DUI and the case was pled down to a lesser DWS charge, and the court used the interest of justice exclusion to not order the offender to install an IID, the court would use an abstract disposition code indicating a DWS-DUI plea down for the case; DMV would alter its computer programs so that the combination of the disposition code, with a non-DUI DWS offense, would result in an IID-license restriction on the driving record.

While some of the disparity in the records among organizations may be due to problems in collecting the data, it does appear that there are also some problems in monitoring offenders, and reporting/storing information on their progress on an interlock sentence. As a result, it is recommended that the Judicial Council investigate the development of an improved monitoring system for defendants ordered to install an IID, and that consideration be given to implementing a reporting system in which interlock installers regularly report client progress to the court.

Conclusion

When all of the findings are considered together, a clear picture emerges of the degree to which California's ignition interlock laws have been implemented. Conviction rates for DWS are low, judges order IIDs for only a fraction of the DWS-DUI offenders who should receive such an order, and most offenders who are ordered to install a device do not do so. In addition, few repeat DUI offenders choose to install an interlock in order to reduce their suspension term and obtain a restricted driver license. In short, California's current ignition interlock laws have not been successfully implemented.

However, there appear to be cogent reasons for this low level of implementation. While many judges do not order IIDs because they do not believe the devices are effective, an even greater reason for not using them appears to be several operational problems that exist with using interlocks in a judicial setting in California. Specifically, in California, many offenders apparently do not own vehicles or cannot pay for the devices. In addition, it is relatively difficult and time-consuming to monitor offenders ordered to install an IID.

While convincing judges to use IIDs in sentencing will be a major part of any effort to more fully implement California's ignition interlock laws, it is also important to ensure that those offenders who are ordered to install an IID do so. Clearly, the current penalties, or the likelihood that they will be applied, are not sufficient to encourage offenders to comply with the law. In addition, offenders ordered to install an IID need to be more closely monitored.

Although it may be possible, through closer monitoring and enhanced penalties, to achieve better offender compliance with court-IID orders, it is not clear how to change the current discretionary IID program for repeat DUI offenders to encourage more of them to install an IID. The law presently encourages repeat DUI offenders to install an IID and obtain a restricted driver license by cutting in half their term of license suspension, but even with this inducement, few choose to install an interlock device. Clearly, there is strong opposition among DUI and DWS-DUI offenders to installing an IID on their vehicles.

However, even though most offenders do not install an IID when ordered to do so, those who do install a device generally appear not to bypass it, and a majority is successful in completing their interlock sentence. When asked about their experiences using the IID, most offenders who responded claim that it prevented them from driving after drinking, and most also state that they think the devices successfully prevent others from drinking and driving. This suggests that interlocks may be helpful in preventing DUI.

While the findings from this study show that interlock has not been successfully implemented in California, there are indications that a modified program might be more successful. Such a program would need to find a better way to fund the devices for indigent offenders, deal with offenders who claim to have no vehicle, and restructure the monitoring of offenders ordered to install a device. In addition, sanctions would need to be toughened and consistently applied, so that there would be more incentive for offenders to comply with an order to install an IID. Finally, IID orders might be targeted to different offenders, perhaps at a different stage of their sentence, and maybe administratively rather than judicially.

While this report suggests how the current interlock program in California might be improved, the only recommendations made in the report concern changes to the reporting of IID orders/restrictions, and the investigation of an improved monitoring system for defendants ordered to install an interlock device. These changes do not affect the substantive nature of ignition interlock in California, and it is strongly recommended that California's interlock program not be further modified at this point. The reasons for this are two-fold. First, the implementation of the current law continues to improve, and is already at the same level as that achieved under the prior mandatory law. Secondly, and more importantly, an outcome study will soon be underway which will provide valuable information about the effectiveness of IIDs in California, and it is critical that the current IID laws remain in place until the study is completed.

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INTRODUCTION

Background

During the past two decades, significant progress has been made in reducing the incidence of drunk driving, although that progress appears to have plateaued during the last several years. Traditionally, courts, law enforcement and motor vehicle departments have used a combination of driver license actions, alcohol education/treatment, fines and jail sentences to curb drunk driving, and while these have had some success, the search continues for measures to better deter, rehabilitate or incapacitate persons who drive after drinking.

One measure designed to curb drinking and driving that is receiving increasing attention is the use of ignition interlock devices, or IIDs. These devices consist of a breath alcohol testing unit that is linked to an ignition lock. Drivers are required to provide a breath sample before starting the vehicle, and if the blood alcohol concentration (BAC) of their breath measures above a preset level, the IID locks the vehicle's ignition, preventing the person from driving.

Although IIDs have yet to be used widely, the devices are not new, having been the focus of research and development since the 1960s (National Highway Traffic Safety Administration, 1990). Early interlock devices were easily circumvented, by means such as filling a balloon with air and venting it into the device, and so did not gain wide acceptance. However, development work continues, and IIDs have become increasingly sophisticated. Current IIDs have measures built in that are designed to curb the ability of an offender to fool or bypass the device. One such measure is the rolling retest, which is a design feature that requires the driver to continue to provide breath samples at random intervals once the vehicle has been started and driven. The rolling retest discourages a drinking driver from soliciting a sober person to blow into the device in order to start the vehicle, because the fact that they have been drinking will be detected by the rolling retest.

While IIDs have become more sophisticated, they are not the "silver bullet" which will solve the drunk driving problem. Even if the devices were completely foolproof, circumvention is as easy as finding another vehicle to drive which is not equipped with an IID. However, there may be an appropriate and effective place for interlock devices among the other sanctions prescribed for drunk driving offenders, and the experiences of other jurisdictions in implementing IID programs suggest possibilities.

IID Programs & Evaluations

Several states implemented IID programs in the late 1980s. One such state was Oregon, which established a pilot program in 11 counties in 1988. The program allowed DUI

offenders to install an interlock and apply for a hardship permit, and it also provided DUI offenders who were ready to reinstate their licenses the option of choosing 6 months of license suspension, or license reinstatement with a 6 month IID term. Jones (1992) evaluated Oregon's program, and found that drivers in the pilot counties who reinstated and installed an IID had a lower recidivism rate than similar drivers in the control counties, but a higher rate than drivers in the pilot counties who reinstated after opting for a 6-month license suspension instead of IID installation. Jones summarized the results by stating that IIDs are effective while installed, but not more effective than license suspension, and that the program had serious limitations due to program participants driving non-IID-equipped vehicles. This quasi-experimental study is limited by self-selection biases and a short follow-up period.

Calvert County, Maryland implemented a pilot IID program that was evaluated by Baker and Beck (1991). These researchers surveyed offenders ordered to install an interlock, and found that IIDs prevented offenders from driving after drinking, and that first DUI offenders were more hostile to the devices and had more attempts to circumvent them than did repeat DUI offenders. This study did not measure recidivism and is limited by small sample sizes.

Hamilton County, Ohio established an IID program for multiple DUI offenders in the late 1980s. Elliott and Morse (1993) conducted a quasi-experimental evaluation of Hamilton County's program, comparing the traffic safety effects of interlock with those of license suspension. The findings from the evaluation showed that drivers who installed interlocks had significantly fewer subsequent DUI incidents than did suspended drivers, leading the authors to conclude that sentencing drivers to install an IID following license suspension would be less effective than simply requiring the installation of an interlock. The evaluation results also showed that about 25% of offenders attempted to bypass the interlock device, and that there was no social learning associated with the IID: once the device was removed, recidivism rates climbed back up. While this quasi-experimental study was well done, it does suffer from relatively small sample sizes and significant selection biases.

Alberta, Canada introduced a pilot program in 1990 that provided the Driver Control Board with the authority to order repeat DUI offenders to install an IID as a condition of license reinstatement. In addition, offenders could voluntarily install an interlock as a way to reinstate their license early. An evaluation of Alberta's program (Beirness et. al., 1997) showed that about 10% of all DUI convictees in Alberta participated in the program, and that interlock participants had a significantly lower recidivism rate than offenders not installing an IID. These results should be viewed cautiously, due to potential self-selection biases, and the lack of statistical or design controls in the study.

While most of the research evaluating ignition interlock programs has shown that the devices can reduce recidivism, at least while they remain installed on the offender's

vehicle, the studies are limited because they do not randomly assign offenders to treatment or control conditions, and many do not attempt to compensate by employing statistical and design controls. This renders the findings from these studies somewhat equivocal. However, one study that examined Maryland's interlock program did use random assignment, and this produced more robust, trustworthy findings.

The Maryland study (Beck et al., 1999) randomly assigned multiple DUI offenders with suspended licenses, who had petitioned and were recommended for reinstatement by Maryland's Medical Advisory Board, to either a 1 year term of IID use, or to a control group which included participation in an alcohol program. The results showed that offenders in the interlock group had significantly fewer subsequent alcohol incidents than control group offenders. This study, while well done, generalizes only to a fairly specific group of DUI offenders, and to an administrative interlock program that utilizes relatively intensive monitoring.

A recent study examined a pilot interlock program in 3 of Sweden's 21 counties (Bjerre, 2002). This quasi-experimental study found that only 11% of eligible DUI offenders chose to participate in the interlock program, but that those who did showed a decline in drinking as measured by biological alcohol markers, as well as a lower recidivism rate, compared to offenders in the control group. This study is limited by a lack of design and statistical controls.

Taken as a whole, the research conducted to date on ignition interlock programs suggests that they can reduce recidivism while they are installed on offenders' vehicles, but that once the devices are removed, recidivism rates climb back up, indicating that there is no social learning associated with them. In addition, interlocks do not appear to be effective in all jurisdictions where they have been implemented, which raises questions about who they are most appropriate for, and how they should be integrated with the current sanctions prescribed for drinking drivers.

Ignition Interlock in California

The first use of IIDs in California was authorized by the Farr-Davis Safety Act of 1986, which established a pilot program in four counties in the state where judges could order DUI offenders to install an interlock on their vehicles as a condition of probation. The law also mandated that the pilot program be evaluated, and included a sunset provision so that IIDs would not be used indefinitely in California if they were shown to be ineffective.

California's pilot IID program was evaluated by the EMT Group in 1990. This study matched a group of DUI offenders who were not sentenced to install an IID on their vehicle to similar DUI offenders who did install a device, and found that there was no statistically significant difference in subsequent DUI convictions between the groups.

That is, there appeared to be no salutary traffic safety effects associated with the interlock devices. While this study used statistical and design controls, it is possible that judicial and self-selection biases affected the results.

Despite the fact that the evaluation results did not show IIDs to be an effective DUI countermeasure in California, subsequent legislation (AB 2040) authorized the use of interlock devices statewide. Like the Farr-Davis Safety Act, this new law allowed judges to discretionarily order IIDs for DUI offenders. However, it soon became clear that judges were not using interlock as a sentencing option for most eligible DUI offenders, so the Legislature enacted AB 2851 in 1993, which eliminated the discretionary nature of the previous interlock law, and required judges to order IIDs for all repeat DUI offenders. Even with this new mandatory law, judges ordered IIDs for only 20%-25% of repeat DUI offenders.

In order to develop a more robust interlock program in California that had sufficient numbers of participants that the effectiveness of the devices could be evaluated, the Research and Development (R&D) Branch at the Department of Motor Vehicles (DMV) convened an interagency task force to critically examine the interlock laws, and recommend changes. As a result of this effort, the California Legislature enacted AB 762 (Appendix A), which shifted the focus of “mandatory” IID law from repeat DUI offenders to drivers convicted of driving on a DUI-suspended driver license (DWS-DUI). The rationale behind this shift is that while DUI offenders with suspended driver licenses may or may not continue to drive in violation of their suspension, DWS-DUI offenders have already demonstrated that they will drive and pose a risk on the highways, and thus need more corrective measures. This shift in focus was in response to judicial concerns over the logical inconsistency of prior law.

Although the Legislature has enacted subsequent legislation concerning IID (AB 2227), the thrust of AB 762 remains intact. Under the current IID laws, judges must order IIDs for DWS-DUI convictees, and for drivers arrested for DWS-DUI who are convicted of a less serious driving while suspended (DWS) offense. Judges may also order IIDs for DUI offenders at their discretion. In addition to this judicial IID program, there is a discretionary IID program administered by the DMV. Under this administrative program, multiple DUI offenders may, after serving half of their license suspension period, install an IID and apply to the DMV for a restricted driver license. These IID laws became effective July 1999.

The legislation that created the current IID program also contains a provision that requires the DMV to conduct a rigorous, scientific evaluation of IIDs and report the findings to the Legislature. This mandated evaluation is really two studies, a process evaluation that is designed to provide information on the implementation of the interlock laws in the state, and an outcome evaluation, which will study the effectiveness of the devices in reducing recidivism. The process study, which is the

focus of this report, is due to the Legislature July 2002, while the outcome evaluation is to be submitted by July 2004.

METHODS

The process evaluation of California's ignition interlock laws is comprised of several discrete studies which, when considered together, provide a comprehensive picture of the degree to which the laws have been implemented. Most of these component studies investigate the courts' use of IIDs in sentencing, rather than the voluntary program where multiple DUI offenders install an interlock and apply to DMV for a restricted driver license. There are two reasons for this. The first is that courts are required to order IIDs for certain offenders, and it is important to evaluate whether courts are ordering interlocks as mandated by law. The second reason that most of the process studies focus on the court program is that the majority of drivers in the IID program at the time the study was conducted were in the court program—relatively few multiple DUI offenders took advantage of the discretionary DMV interlock program.

One of the most important of the process studies involved tracking a sample of drivers arrested for DWS-DUI from the point of arrest through adjudication and sentencing, and to the installation and use of an IID. This study provides important information on conviction rates, IID installation rates, and successful completion of an interlock sentence. Two similar studies tracked samples of drivers convicted of DUI, and of DWS-DUI.

While the tracking samples provide important data on conviction, sentencing and installation rates, they do not tell us anything about why these rates are at the level they are at. In order to obtain more detailed information that might provide important insights complementing the rate data, surveys of judges, prosecutors, and offenders ordered to install an IID, were conducted.

Finally, two studies were conducted to gather data on the statewide use of IIDs by the courts, and also of the numbers of multiple DUI offenders installing an interlock and applying to DMV for a restricted driver license. Both studies involved examining all driver records in DMV's database.

DWS & DUI Tracking Samples

The original design for the process evaluation of California's ignition interlock laws specified tracking a sample of drivers arrested for driving while suspended for DUI from the point of arrest through adjudication, sentencing and installation of an IID. However, in the process of collecting data for this study, it became clear that while the arrest sample contained a large number of drivers, relatively few were convicted of DWS-DUI, and fewer still were ordered by the court to install an IID. The small

number of drivers ordered to install an IID made the calculation of rates of installation and successful completion of an IID sentence somewhat tenuous.

In order to obtain a larger sample of drivers ordered to install an IID, two additional samples were developed. The first sample consisted of drivers convicted of DUI who were ordered by the court to install an interlock device. In addition to providing a larger number of drivers, this sample had the advantage of representing a somewhat different driving population, so that the results could be more broadly generalized to all drivers subject to California's interlock laws.

The second sample consisted of drivers convicted of DWS-DUI. These drivers represent the same population as those drivers in the DWS-DUI arrest sample who were convicted of DWS-DUI, and were sampled in sufficient numbers to enable tracking through the installation and maintenance of an IID.

DWS-DUI arrest sample

Drivers arrested for DWS-DUI were sampled and tracked through court, DMV and ignition installer records. This sample is important because California law requires courts to order the installation of an IID for drivers convicted of DWS-DUI. Data from this sample answers questions about the extent to which courts are implementing this mandatory law.

Ideally, drivers arrested for DWS-DUI would be randomly sampled from throughout the state. However, there is no centralized database of DWS-DUI arrests, and it would be infeasible to sample drivers from hardcopy and electronic records maintained by the 500-plus law enforcement agencies throughout the state.

A dozen law enforcement agencies that electronically report DWS-DUI arrests to the Department of Justice were contacted. The principal investigator explained the study, and requested that the agency provide electronic data to the R&D Branch at DMV on all drivers arrested for DWS-DUI between July 1, 1999 (the beginning of the present IID law) and December 31, 2000. Of the 12 agencies contacted, 8 were able and willing to provide the requested data. These agencies were:

- Fremont Police Department
- Los Angeles Police Department
- Modesto Police Department
- Redwood City Police Department
- Riverside County Sheriff
- San Bernardino County Sheriff
- San Diego County Sheriff and Police Departments

- Los Angeles County Sheriff.

These 8 agencies, while (unintentionally) weighted to the southern part of the state, do represent most areas of California, from the Central Valley (Modesto Police Department), to the Bay area (Redwood City Police Department), and the Southern California coastal (Los Angeles and San Diego County law enforcement agencies) and inland (Riverside County and San Bernardino County Sheriff) areas. However, this is not a random sample of DWS-DUI arrests throughout the state, so some caution should be used in generalizing the results.

Once the data were received from the law enforcement agencies, they were aggregated and input into a Microsoft Access database. In order to obtain information on DWS-DUI conviction rates and court-IID-order rates, the cases were matched to DMV records based on driver license number, or where this was unavailable, using name and date of birth. After deleting duplicately sampled cases, 5,061 cases remained for the analyses.

Overall DWS conviction rates, and DWS-DUI conviction rates, were calculated based on conviction and sentencing data reported to DMV by the courts. The rate at which courts order DWS-DUI convictees to install an IID, as required by law, was computed using this same court-reported data. However, it is also important to compare DMV conviction and sentencing data with that maintained by the courts, as a way to assess the integrity of the reporting and data maintenance systems. Thus, the next step was to track the sample cases back to court records.

An analysis of DMV records showed that 887 of the sample of 5,061 drivers arrested for DWS-DUI were convicted of some DWS offense (that is, a DWS offense where the driver license was suspended for DUI, or for various other, non-DUI, reasons). It was important to track this subsample of drivers, because according to California law, all of them should have received a court order to install an IID.

Data collection forms were developed for this subsample (see Appendix B), and the forms were mailed to the adjudicating court along with a letter explaining the study and requesting that the court provide data on IID orders, IID installation and the offender's success on the program. Several courts did not have sufficient resources to collect the data, and in these cases DMV staff traveled to the court and collected the data. Of the 887 cases, data were collected on 789, or 89%. These data were entered into the Access database developed by R&D, and court-IID-order rates were calculated based on court records, and compared to those rates computed from DMV records.

The final step in tracking the 887 drivers convicted of some DWS offense was to obtain data from interlock installer records on whether the offender installed an IID, and how successful they were in completing their IID sentence. There is no centralized interlock installer database; each of the 8 installers who do business in California has their own

unique database. Because there is no centralized database, it was necessary to send data collection forms (see Appendix C) for all 887 drivers to each installer. Each installer, using information on the driver's name and date of birth provided on the data collection form, searched their records for each client, and when a record was located, completed the data collection form and returned it to R&D. Based on this procedure, installers located and provided data on 4 of the 887 drivers convicted of DWS. The installation rate based on installer records was computed and compared to the corresponding rate based on court records.

DWS-DUI conviction sample

While the original DWS-DUI arrest sample contained more than 5,000 cases, the DWS conviction rate and the IID-order rate were so low that few cases were available to track to the point of interlock installation and interlock sentence completion. In order to examine a larger number of cases, a sample of drivers convicted of DWS-DUI between July 1, 1999 and December 31, 2000, who were ordered to install an IID, was identified from DMV records. This initial selection process yielded 1,651 cases.

In examining the data, it was discovered that some of the courts had adjudicated a large number of the sample cases. Because it would have been difficult to collect data on a large number of cases from any one court, it was necessary to stratify the cases by court, and randomly sample cases from each court. This stratification procedure produced a sample of 464 cases. When duplicate cases were removed, a sample of 461 cases remained.

The procedure for collecting data and computing various rates for the DWS-DUI conviction sample was the same as that used for the DWS-DUI arrest sample. In fact, the data collection forms for these sample cases were sent to courts and interlock installers along with the forms for drivers in the arrest sample.

While the DWS-DUI conviction sample was not structured in such a way as to allow tracking from the point of arrest, as was the DWS-DUI arrest sample, it did have two advantages over the arrest sample. The first advantage is that DWS-DUI convictions were sampled from the entire state, and thus this sample is more representative of California as a whole than is the DWS-DUI arrest sample. In addition, while the conviction sample is small, there were more cases to track to IID installation and sentence completion than there were in the arrest sample. However, despite the larger sample size, the number of drivers available to calculate IID installation and success rates is still small, and so the results should be viewed cautiously.

Because the DWS-DUI conviction sample was stratified by adjudicating court, and then differentially sampled according to court in a random fashion, it was necessary to weight the cases prior to computing the various rates of interest. The logic of the weighting process is that relatively fewer cases were sampled from courts adjudicating

a large number of cases, and so these fewer cases needed to be weighted to represent all of the cases which could have been sampled from these courts, had data collection not been of concern. When the 460 cases were weighted, a sample of 1,769 weighted cases was available for analysis.

DUI conviction sample

In addition to tracking drivers arrested for DWS-DUI, and drivers convicted of this offense, a third sample was developed consisting of drivers convicted of DUI. California law allows (but does not require) judges to order IIDs for drivers convicted of DUI, and it was important to examine the extent to which judges discretionarily order interlocks for drunk driving offenders. There is also an interesting possibility that DUI offenders might progress through an interlock sentence differently than DWS offenders.

A sample of 5,204 drivers convicted of DUI between July 1, 1999 and December 31, 2000, who were ordered by the court to install an IID, was selected from DMV records. As was the case with the DWS-DUI conviction sample, there were some courts that had adjudicated a relatively large number of the sample cases, and in order to facilitate data collection, it was necessary to stratify the sample based on adjudicating court and then randomly sample cases. This process yielded 547 cases to track to court and ignition interlock installer records.

The data collection procedures employed with the DUI conviction sample were the same ones described previously for the DWS-DUI arrest and DWS-DUI conviction samples. Data collection forms for these cases were included with those from the other two samples, and mailed to courts and interlock installers. Court records were located for 82% of the sample cases, and installers found installation records for approximately 14% of the cases.

As with the DWS-DUI conviction sample, this sample of DUI convictees had been selected using a stratified random sampling procedure, which required the cases to be weighted by adjudicating court prior to computing rates. This weighting procedure helped ensure that the results represented the entire state. The weighting process yielded 4,270 weighted cases for the analyses.

Surveys

Judges

In order to sample judges for the survey, it was necessary to find a complete listing of judges throughout the state. The California Court Directory, which is published monthly by the Daily Journal Corporation, contains a listing of judges, their assignments, and the court that they are assigned to. The August 2001 issue of the Directory was used as the sampling frame from which to sample judges.

Judges who, based on their assignment, were likely to hear DWS or DUI cases, were eligible for inclusion in the study. Judges were sampled randomly from each of the major courts in each county, and for large courts with many assigned judges, two or three judges were sampled. This sampling process yielded a sample of 169 judges.

A survey form containing 12 open and closed-ended questions was developed (see Appendix D). The survey asked judges to provide information on the numbers of DUI and DWS cases they heard each month, the percentage of each type of case in which they ordered interlock, and other questions regarding their experiences using IIDs as a sentencing option and their opinions of these devices.

The surveys and an explanatory letter were mailed to the 169 judges in the sample during October 2001. As a result of this initial mailing, 45 survey forms were returned by the judges. Using an unobtrusive coding scheme on the survey forms, judges who did not respond to the first mailing were identified, and a second survey form and letter were mailed to them in November 2001. Ultimately, 95 judges responded to the survey for a return rate of 56%. This return rate is acceptable for a survey of this type, although it is not known whether the judges who responded differed in some ways from those who did not respond; some care should be used in generalizing the results to all judges in California.

The data on the returned survey forms were entered into an Access database. Responses to open-ended questions were examined, and a discrete number of categories were developed to represent all of the responses. The data were downloaded to a SUN minicomputer, and analyzed using SPSS (Statistical Package for the Social Sciences) software.

District & city attorneys

Because there are relatively few district and city attorneys in California, it was feasible to survey all of them rather than sample from the entire group. Thus, this represents a census of district and city attorneys, rather than a sample.

District attorneys and city attorneys in California were identified from an Internet website maintained by the California District Attorneys Association, or CDAA. This website lists the names and addresses of all district and city attorneys in California, and this information was used to mail the survey forms to the attorneys. Based on CDAA's website, 58 district attorneys and 16 city attorneys were identified, for a total sample of 74.

A survey form containing 9 closed and open-ended questions was developed (see Appendix E). The survey asked city and district attorneys how many DUI and DWS cases they prosecute each month, and the percentage of such cases where they recommend to the court that the offender install an IID. Other survey questions

solicited information about the attorney's experience prosecuting DWS and DUI cases, issues that they encounter in recommending that offenders install IIDs, and their opinions about interlock devices.

The survey forms and a letter explaining the purpose of the survey were mailed during October 2001 to the sample of 74 district and city attorneys. Twenty survey forms were returned in response to this initial mailing, and to boost the response rate a second survey form and letter were mailed in November 2001 to the attorneys who did not respond to the first mailing. As a result of both mailings, 56 city and district attorneys sent back survey forms, for a response rate of 76%. This response rate is good, and helps ensure that the results of the survey represent city and district attorneys throughout the state.

The data from the returned survey forms were entered into an Access database. Answers to open-ended questions were categorized so that all responses were represented, and all of the data were downloaded to R&D's SUN minicomputer where they were analyzed using SPSS software.

Offenders

While the surveys of judges and prosecutors yielded important information on the use of interlock devices in sentencing, it was also important to obtain information on the experiences of drivers who had IIDs installed in their vehicles. In order to collect this information, it was necessary to identify not just those drivers who were ordered to install an interlock, but also those who complied with the order and actually installed the device.

Drivers who installed an IID were identified using the three tracking samples; DWS-DUI arrestees, DWS-DUI convictees, and DUI convictees. Using the Access databases developed for these three samples, drivers whose court records indicated that they installed an IID as ordered were selected, and identifying information on them was written to a separate file. This process yielded 128 offenders for the sample.

A survey form containing 13 closed and open-ended questions was developed (see Appendix F). The first question asked the respondent whether they had installed an IID on their vehicle, and subsequent questions queried them about their experiences with the devices, and their opinions about the effectiveness of interlocks in preventing driving after drinking.

The survey forms were mailed to the offenders, along with a cover letter explaining the study and requesting their participation, during October 2001. This initial mailing produced 23 responses, and a second wave of surveys and letters was sent in November 2001 to those offenders who had not responded to the first request. This two-wave mailing approach ultimately yielded 60 responses, for a response rate of 47%. This

response rate, while not high, is acceptable for a mail survey, and actually is surprisingly good given the nature of the population surveyed. In any event, some care should be exercised in generalizing the findings to all offenders installing interlocks, and of course they do not represent the majority of offenders who are ordered to install a device but never do so.

The data from the 60 offenders responding to the survey were entered into an Access database, and then downloaded to R&D's SUN minicomputer. Responses to open-ended questions were categorized, and the data were analyzed using SPSS statistical software.

Statewide Count of IID Orders

Court orders

While the studies which tracked samples of DWS-DUI arrestees and DWS-DUI and DUI convictees yielded important information on the rates at which courts order offenders to install IIDs, and the rates at which offenders comply and install the devices, it was still important to obtain information on how many court IID orders there are statewide, and whether this has changed over time. This gives one of the best indications of the degree to which California's ignition interlock laws have been implemented.

The most feasible way to gather data on court IID orders throughout the state is to examine conviction and sentencing data that the courts report to DMV, and which the department stores on its driver license database. When courts convict someone of a traffic offense, they send data to DMV on the sections of the Vehicle Code that were violated, and the sentence that was given to the offender. It should be noted that the sentencing data, specifically the court-reported order to install an IID, is somewhat ambiguous, because it sometimes represents a true order to install an interlock, but other times indicates that the court has ordered the defendant not to drive unless the vehicle is equipped with an IID. The former is an interlock order, the latter a restriction to the driving privilege. Unfortunately, there is no way to tell which is which. Because of this, the IID-order rates reported here are likely somewhat inflated.

Computer programs were written to extract conviction and sentencing data from DMV's database. These programs searched each of the more than 20 million records in the database, and if a person was convicted of DWS, and the violation occurred after July 1, 1999, identifying and driving record data on the person were written to a separate file. These computer programs, referred to as "file passes," were run 5 times between December 1999 and February 2002. Each time the file pass was run, it provided updated data on the use of IIDs by courts throughout the state.

The data files that were produced by the file pass were analyzed using SPSS run on IBM mainframe computers. Frequencies and crosstabs procedures were used to examine court IID orders, by type of DWS offense, and the analyses were done separately for each quarter, from July 1999 through the date the file pass was run. These data were then examined to determine trends in court IID orders over time.

DMV IID-restricted licenses

While most of the offenders in California's IID program were ordered by the court to install the device, it was important to obtain a count of the number of multiple DUI offenders who chose to install an IID and apply to DMV for an IID-restricted driver license. As with the study of court IID orders previously described, it was most feasible

to count the number of offenders in the discretionary DMV IID program using DMV's database.

When DMV issues a restricted driver license, this event is entered into its driver record masterfile, along with a restriction code that identifies the nature of the restriction. The restriction code for licenses that are restricted to operating a vehicle equipped with an IID, which DMV issues to multiple DUI offenders who have discretionarily installed a device, is "99."

Computer programs were written to search DMV's driver license database, and flag drivers who were issued a restricted driver license with restriction code 99 after July 1, 1999. This computer program was run in April 2002, and identifying information and driver record data on the drivers was written to a separate output file.

Like the court IID program data, the data for offenders on DMV's IID program were analyzed using SPSS. The numbers of IID-restricted driver licenses issued by DMV to repeat DUI offenders were computed for each month from July 1999 to April 2002. The findings from the DMV IID program were considered along with those from the court program, to give an overall indication of the use of interlocks in California.

RESULTS

DWS & DUI Tracking Samples

DWS-DUI arrest sample

A sample of 5,061 drivers arrested for DWS-DUI was tracked from the point of arrest through DMV, court and ignition interlock installer records in order to assess the degree to which California's new ignition interlock laws have been implemented, and also to examine the integrity of the reporting and monitoring systems among the involved organizations.

The degree to which California's ignition interlock laws have been implemented was assessed by calculating rates at which courts order IIDs in situations where they are mandated to by law, namely for drivers convicted of DWS-DUI, and for drivers arrested for DWS-DUI who are convicted of a non-DUI DWS offense. The rates of court IID orders were calculated based on sentencing information contained in DMV's database, which is reported to the department by the courts, as well as the sentencing information in the court records themselves.

Using DMV data, it was found that only 384 of the 5,061 drivers arrested for DWS-DUI were convicted of this offense, yielding a conviction rate of 7.6%. Based on sentencing information in DMV records, of the 384 drivers convicted of DWS-DUI, 23 (6%) were

ordered by the court to install an IID. By law, courts should have ordered all 384 DWS-DUI convictees to install an IID.

These data show that the courts are, in most cases, not ordering IIDs for DWS-DUI convictees, as required by law. The courts are also required to order IIDs for DWS-DUI arrestees who are convicted of other, non-DUI, DWS offenses. Using data from DMV records, it was found that 503, or about 10%, of the 5,061 drivers arrested for DWS-DUI were convicted of a non-DUI DWS offense. Of the 503 convictees, 16 were ordered to install an IID. According to law, all 503 offenders should have been ordered to install an IID, unless the court used the interest of justice exclusion to find that an IID order would be inappropriate. These results show that court implementation of California's interlock laws is poor, both for DWS-DUI convictees, as well as DWS-DUI arrestees who are convicted of a non-DUI DWS offense.

The results of the two analyses can be combined. When this is done, it shows that 887, or about 18% of the 5,061 arrestees were convicted of some DWS offense, and that only 39 were ordered to install an IID. Overall DWS conviction rates are low, and court use of IIDs in sentencing is also low.

The aforementioned results are based on conviction and sentencing data that courts report to DMV. It is possible that the apparent low use of IIDs by the courts is due, at least in part, to incorrect or inconsistent reporting of IID orders to DMV. That is, it may be that courts actually do order IIDs more often, but that this is not reported to DMV. In order to explore this possibility, data collection forms for the 887 drivers convicted of DWS were developed and sent to the adjudicating court, with a request that court personnel review the court record and provide the requested information. Of the 887 data collection forms mailed, 789 (89%) were returned.

The sentencing data on court records were somewhat different than the sentencing data stored on DMV records. As reported earlier, DMV records showed that only 39 of the 887 DWS convictees were ordered by the court to install an IID. By contrast, court records showed that 83 of the 887 convictees were ordered by the court to install an interlock. This discrepancy between court and DMV records on IID sentencing indicates that either courts are inconsistently or incorrectly reporting court IID orders to DMV, or that DMV is not storing and maintaining these data properly. While the discrepancy is not large, it is significant enough to warrant attention as it threatens the integrity of the monitoring and enforcement of IID orders.

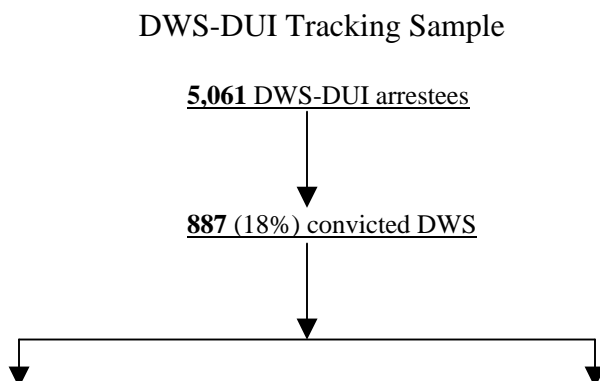
Based on both DMV and court data, the findings clearly show that the courts do not often order drivers convicted of DWS to install an IID. The reasons for this low rate of interlock assignment were explored further in surveys of judges and prosecutors, which will be discussed in a later section of the paper.

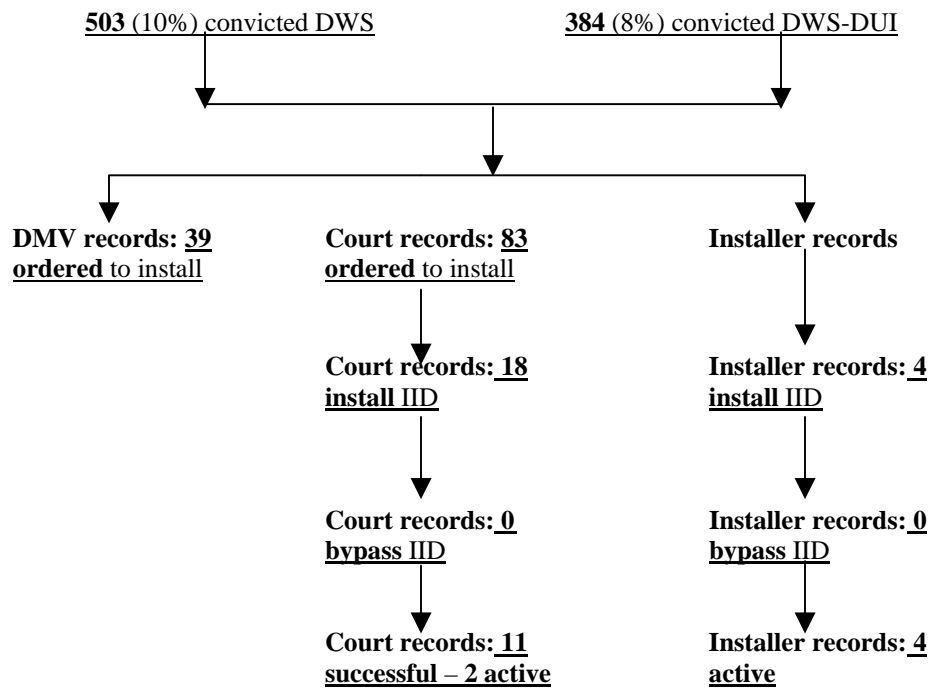
Additional information on the 83 cases where court records indicated that the court ordered interlock was obtained from court records. Based on these records, 18 of the 83 offenders who were ordered by the court to install an IID actually followed through and installed the device, while 60 offenders did not install the device as ordered; data were unavailable for the remaining 5 cases. Thus, only 22% of offenders complied with a court order to install an IID, suggesting that there is little fear of the consequences of not complying with the court order to install an interlock.

The final information collected from court records was whether the offenders who installed the IID attempted to bypass or circumvent the device, and whether they successfully completed their interlock term. Data on IID bypass were available for 10 of the 18 drivers where court records indicated that the driver installed an IID. This lack of data on 8 of the 18 drivers suggests that either court monitoring of the IID order is spotty, or that many courts rely only on a negative reporting system, where ignition interlock installers only report to the courts instances of bypass. When court records were examined for the 10 cases for which bypass information was available, it was discovered that none of the offenders bypassed the device. In addition, court records showed that 11 of the 18 offenders who installed an IID successfully completed their interlock term, while 2 more were still active (no data were available for the remaining 5). These results indicate that those DWS offenders who install an IID tend to comply and do not try to circumvent the device, and that ultimately they successfully complete their interlock term. Note that offenders who simply drove another vehicle not equipped with an interlock would not be counted as bypass cases.

The final data collection phase involved tracking the 887 offenders who were convicted of some DWS offense back to ignition installer records. It was important to examine interlock installer records so that data on DMV, court and installer records could be compared – this gives an indication of the robustness of the IID-reporting system. The tracking of DWS-DUI arrestees through court, DMV and ignition interlock installer records is shown in Figure 1.

Figure 1





Ignition installer records showed that only 4 of the 887 DWS convictees installed an IID. Note that this is at variance with court records, which indicated that 18 offenders installed an IID. It appears that either there is a reporting problem between the installers and courts, or a problem in storing data on court or installer records. It is also possible that this discrepancy is partly an artifact of the data collection process, if either court or installer staff was careless in collecting data, or misunderstood the data collection instructions.

Installer and court records paint the same picture of the degree to which offenders bypass the IID. Installer records indicated that none of the 4 offenders who installed an IID bypassed the device. Installer records showed that all 4 offenders were active clients at the time the data were collected. Thus, while there is some discrepancy between court and installer records, both sets of records suggest that those offenders who install an IID do not bypass or circumvent the device, and that unsuccessful termination of the interlock sentence is not a problem.

DWS-DUI conviction sample

A sample of 460 drivers convicted of DWS-DUI and ordered by the court to install an IID were tracked through court, DMV and ignition installer records to evaluate how well such offenders comply with an interlock sentence, and how accurately the three organizations track their progress. However, before the data could be analyzed, it was necessary to weight the cases based on the adjudicating court, in order to adjust for the initial court-stratified sampling procedure. This weighting process produced a sample of 1,769 drivers for the analyses.

The drivers were selected based on evidence in their DMV records that the court had ordered them to install an IID. Thus, DMV records showed that all 1,769 received an interlock order. When these drivers were tracked back to the adjudicating court, records were located for 1,695 of them. Of these 1,695 DWS-DUI convictees, court records showed that 1,530, or 90%, were ordered to install an interlock device. Thus, there were 165 drivers that had an interlock order according to DMV records, but no such order according to court records. This discrepancy may indicate that there is a problem with courts reporting IID orders to DMV.

Another important measure of how well California's interlock laws are working is the degree to which offenders comply with the court's order to install an IID. Information on whether drivers in the sample installed an interlock as ordered was located for 1,230 of the 1,530 drivers ordered to install an interlock device. Court records showed that 149, or only about 12%, of these drivers complied with the court order and installed an IID.

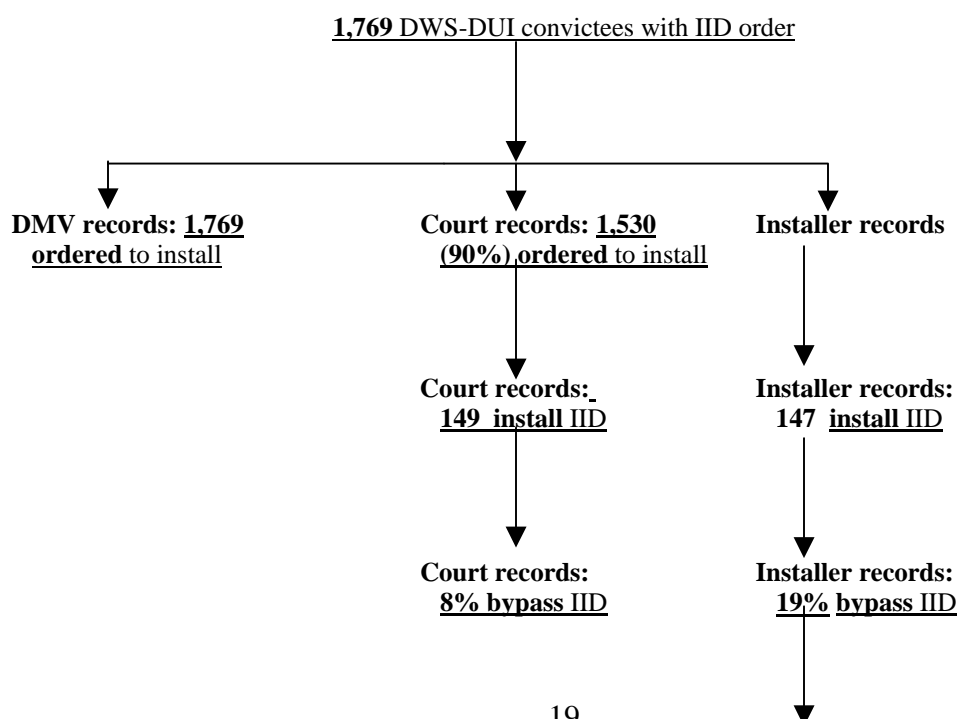
While relatively few DWS-DUI offenders who are ordered to install a device comply and install it, it is important to find out whether those who do install an IID are successful in abiding by the conditions of their IID sentence. When court records were examined for the 149 drivers who installed an IID, they revealed that 8 drivers, or 8% of the 106 drivers for whom information was available, bypassed the device at some point.

Court records were also examined to find out how many drivers in the sample were ultimately successful in completing their interlock sentence. Court records showed that most offenders had not completed their interlock sentence and were still active at the point data were collected. About 58% of the 76 offenders for whom court data were available were active, while 9% had successfully completed their sentence and 33% terminated unsuccessfully. The relatively large proportion of drivers who were unsuccessful is somewhat surprising, and may be an artifact of the small number of drivers in the sample for whom completion information was available—this figure should be viewed with caution.

The final step in tracking the DWS-DUI conviction sample was to examine ignition interlock installer records. Installer records revealed that 147 drivers were ordered to install an IID, a figure that is in close agreement with the install figure of 149 drivers found in court records. The tracking of the DWS-DUI conviction sample through DMV, court and installer records is shown in Figure 2.

Figure 2

DWS-DUI Conviction Sample (Weighted)





Court records:

active: 58%
successful: 9%
unsuccessful: 33%

Installer records:

active: 48%
successful: 40%
unsuccessful: 12%

Installer records were next examined to find out how many of the 147 drivers who installed an IID bypassed the device at some point. These records showed that 28, or 19%, had bypassed the device, and 119 (81%) had not bypassed it. This is somewhat higher than the 8% bypass figure found on court records, indicating the possibility of a reporting or data storage problem. According to installer records, installers notified the court in all 28 bypass cases, usually by means of an IID noncompliance report. If this is true, it would indicate that the problem might be in the courts processing and storing bypass information in the court file. It is important that court and installer reporting procedures on bypass cases be clear and consistent, because the court is unable to take remedial action against noncompliant offenders without it.

Information on whether those offenders who installed an IID finished successfully was gathered from installer records, and compared to the completion data from court records. According to installer records, 70 drivers, or 48%, were still active on their interlock sentence at the time the data were collected. Of those remaining, 59, or 40%, had completed successfully and 18, or 12%, were unsuccessful. Interlock records show noticeably fewer drivers completing unsuccessfully than do court records (12% versus 33%). Some of this discrepancy may be due to inconsistencies resulting from the small number of offenders for whom completion data were available, especially in the court-installed subsample. The discrepancy may also be due, in part, to errors made by court and/or installer staff in collecting data for this study. However, the difference between court and installer records probably also indicates some degree of reporting and/or record keeping inconsistency.

Overall, the results from the analyses of the DWS-DUI conviction sample show that most offenders who are ordered to install an IID do not do so, but that those who do install a device tend not to bypass it. While court, DMV and interlock installer records are generally congruent, there are some noticeable differences. There are some offenders whose DMV records show a court order to install an IID, but whose court records have no evidence of such an order. In addition, installer records show a higher bypass rate but a lower unsuccessful termination rate than court records. While some caution needs to be used in interpreting these findings due to small sample sizes, the results do suggest that there is room for improvement in reporting and record keeping among courts, DMV and ignition interlock installers.

DUI conviction sample

Data were collected from court, DMV and ignition interlock installer records for the sample of 547 drivers convicted of DUI and ordered to install an IID. In order to facilitate data collection, this sample, like the DWS-DUI conviction sample, was selected using a stratified random sampling procedure. In order to ensure that the sample represented such drivers throughout the state, it was necessary to weight the sample to account for the stratified sampling procedure. When this was done, an analysis sample

of 4,270 weighted cases was available for the analyses. This procedure helped ensure that the data would be representative of such DUI cases throughout the state.

The first analysis compared court and DMV records on the proportion of drivers in the sample who were ordered by the court to install an IID. DMV records showed that 4,159 of the sample of 4,270 drivers were ordered by the court to install an interlock device (while the sample was originally selected based on evidence of an IID order on DMV records, later court amendments to the record left 4,159 cases showing an interlock order). In contrast, court records showed that, for the 3,911 drivers for whom court records were located, 87%, or 3,407, were ordered to install an IID.

While both court and DMV records show that the large majority of drivers in the sample were ordered to install an interlock, there is some discrepancy between the two, with court records showing about 500 cases that were not ordered to install, versus 111 such cases on DMV records. Ideally, these records should match, and the fact that they do not probably indicates a need to check that courts are following the proper procedures in reporting interlock orders to DMV. Note that these data do not indicate anything about the rate at which courts order IIDs for DUI convictees, since the original sample was selected based on evidence of a court IID order in DMV records, but rather show the integrity of the reporting and storage of data on drivers ordered to install an interlock device.

Court records show that 3,407 drivers in the weighted sample were ordered to install an IID. When court records were examined to determine how many of these drivers actually installed an interlock device, it was discovered that 785, or approximately 25% (of those 3,085 drivers for whom information was available) installed the device as ordered. Note that this compliance rate is higher than the compliance rate for DWS-DUI drivers (12%), perhaps due to the more recalcitrant nature of the DWS-DUI population.

The next step was to use court data to find out how many of the 785 drivers who installed an interlock device bypassed the device. Court records had bypass data for 411 of the 785 cases, and of these 411 cases, the court records showed that 68, or about 17% bypassed the device.

However, even if a driver bypasses an IID, they may still ultimately complete their interlock sentence successfully. In order to find out how successful drivers who install IIDs are in completing their IID sentence, court records were examined for the 785 drivers who installed an IID. Data on completion of the IID sentence were available for 403 of the 785 cases. These data showed that most—69%—of the drivers were still active interlock cases at the time of data collection. Of the remaining cases, most successfully completed their interlock term (28%), while comparatively few were unsuccessful (3%).

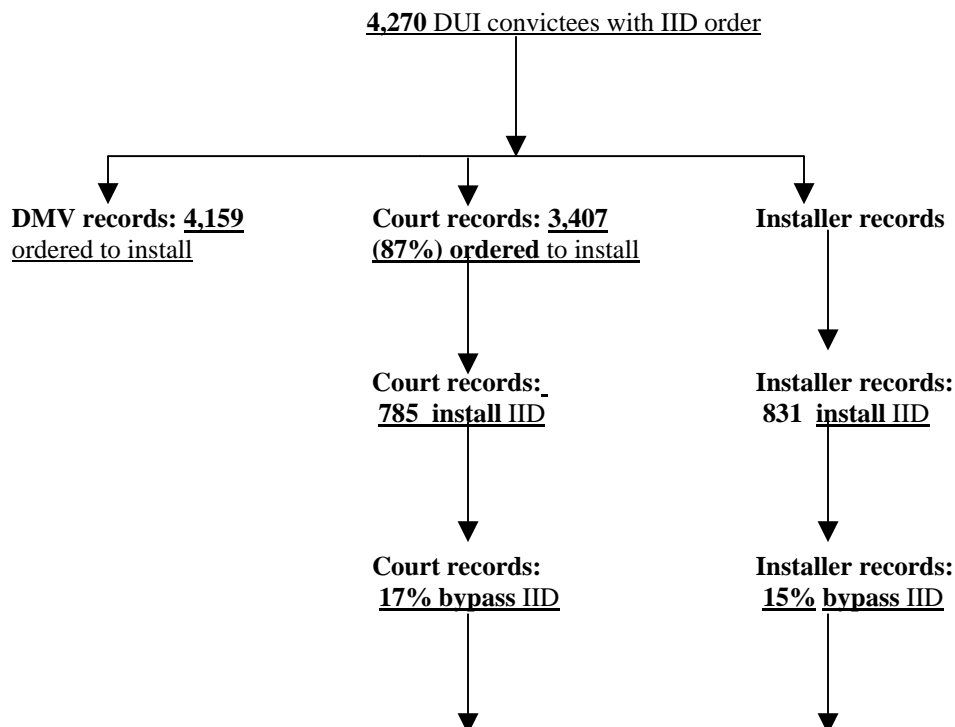
The analyses so far have focused on DMV and court data, and it is important to find out whether interlock installer records agree with those maintained at DMV and the courts. The tracking of the weighted sample of drivers through court, DMV and interlock installer records is shown in Figure 3.

The first analysis using installer records simply examined all of the 4,270 weighted sample cases to find out how many installed an IID. According to installer records, 831 of the 4,270, or 20%, installed an interlock. This is close to the 785 drivers that court records indicated installed a device. While there is some discrepancy here, it is small, and is exacerbated somewhat by the vagaries of the weighting scheme (the unweighted analysis of the data showed that court and installer records were in closer agreement).

Installer records were further examined to obtain information on interlock bypass and IID program completion. When these records were reviewed for the 831 drivers who had an interlock installed, it was discovered that 121, or approximately 15%, bypassed the IID at some point. This figure is similar to that from court records, which showed that 17% bypassed the interlock.

Figure 3

DUI Conviction Sample (Weighted)



Court records:

active: 69%
successful: 28%
unsuccessful: 3%

Installer records:

active: 57%
successful: 18%
unsuccessful: 21%

Installer records were also generally similar to court records regarding completion of the interlock sentence. Installer records, like those at the court, showed that most drivers in the sample were still active clients at the time that data were collected. Installer records showed that 57% were still active at the time data were collected, while 18% finished successfully and 21% were unsuccessful. By comparison, court records indicated 69% were still active, 28% were successful and 3% were unsuccessful. Thus, the main difference between court and installer records regarding IID sentence completion is that installer records show a greater proportion of drivers unsuccessfully completing their term, suggesting that either installers are not consistently reporting this to the courts, or that the courts are not incorporating this input into the court file.

The analyses of data on the DUI conviction sample show that, of those drivers ordered to install an IID, about one-quarter comply and install the device as ordered. Generally, those who do install a device comply with the sentence and do not bypass the device, and most appear to be successfully continuing their interlock sentence, or to have successfully completed. These conclusions are similar to those from the analyses of the DWS-DUI sample. While the reporting of IID cases among the courts, DMV and the interlock installers appears to be generally on track, there is some discrepancy between DMV and court records on drivers ordered to install an IID, and among court and installer records on unsuccessful completion of the IID sentence. While some of this may be due to inconsistent data collection, the discrepancy is significant enough to warrant attention.

Survey

Judges

Questionnaires were mailed to 169 judges throughout California in two waves, and 95 judges ultimately returned the questionnaire, for a response rate of 56%. This response rate is acceptable, although the fact that 44% of judges did not respond does limit the generalizability of the findings to some extent.

There were a number of questionnaires returned that were not completed, usually because the judge did not preside over DUI or DWS cases. When these cases were removed, 68 cases remained for the analyses. Note that for some questions, not all judges responded.

In examining the data, it was discovered that the distribution of the responses was skewed, so that the mean was overly influenced by a relatively small number of cases

with extreme values. Because of this, medians rather than means are reported; medians are midpoints in the data, numbers where there are the same number of cases below it as there are above it, and medians are less influenced by extreme values than are means.

The median number of DUI cases heard each month by the judges was 22, and the median number of DWS cases heard was 11. The median percentage of DUI cases where judges ordered an interlock was only 3%, and 44% of judges reported that they never order interlocks for DUI cases. This figure is quite low, and reflects to some degree the lack of judicial acceptance of IIDs as a sentencing option.

The picture is quite different when DWS cases are considered. The median percent of DWS cases where interlock is ordered is 95%, although 22% of judges indicate that they order interlock 5% of the time or less for DWS defendants. Based on the responses to this question and the previous one, it appears either that judges will tend to order interlock when it is mandatory, or that they view DUI-suspension violators as a more appropriate target group than DUI offenders. Note that the high reported rate of interlock orders for DWS offenders is at significant variance with the actual observed rate, which is substantially lower.

One potential problem in utilizing interlock devices is that offenders do not always own vehicles. When judges were asked what percent of offenders eligible for an ignition interlock claim that they either have no vehicle, or will sell their vehicle, the median responses were 50% and 15%, respectively. Thus, the median response rate of judges is that about two-thirds ($50\% + 15\% = 65\%$) of offenders will claim that they have no vehicle, or will sell the vehicle they own.

If many offenders do not own a vehicle, as they claim, then there are obvious problems in ordering them to install an IID. In order to find out how judges handle this problem, two questions asked them to describe how their use of interlock in sentencing is affected by cases where the defendant does not own a vehicle, or where the defendant is indigent. Their responses are listed in Tables 1 and 2 below.

Table 1
Sentencing Offenders Who Have no Vehicle

| Response | Number | Percent |
|--|--------|---------|
| Order IID anyway | 12 | 19.4% |
| Do not order IID | 12 | 19.4% |
| Order offender to install if they obtain vehicle | 12 | 19.4% |
| Order offender not to drive without IID | 11 | 17.7% |

| | | |
|---|----|--------|
| Order offender to show proof they have no vehicle | 8 | 12.9% |
| Order offender not to drive | 1 | 1.6% |
| Other, non-specific | 6 | 9.6% |
| Total | 62 | 100.0% |

Table 2

Sentencing Indigent Offenders

| Response | Number | Percent |
|--|--------|---------|
| Order IID anyway | 22 | 34.4% |
| Do not order IID | 7 | 10.9% |
| Order offender to sell vehicle | 6 | 9.4% |
| Order offender not to drive without IID | 5 | 7.8% |
| Ask installer to use sliding scale/find funds | 5 | 7.8% |
| Order offender not to drive | 3 | 4.7% |
| Order offender to install if they obtain vehicle | 3 | 4.7% |
| Has never occurred | 2 | 3.1% |
| Reduce charge | 1 | 1.6% |
| Other non-specific | 10 | 15.6% |
| Total | 64 | 100.0% |

Judges are more likely to order indigent offenders to install an interlock than they are to order offenders without vehicles to install a device, perhaps for obvious reasons, but in both cases it is a minority of judges who maintain the interlock order without modification. For offenders without vehicles, judges are just as likely to not order an interlock as they are to simply order it. Clearly, indigent offenders, and those without vehicles, present special problems in using IIDs in sentencing, and judges attempt to deal with this by ordering an interlock restriction (i.e., do not drive without an IID), a sale of the vehicle, or the installation of an interlock upon obtaining a vehicle.

Another potential problem is monitoring offenders to make sure that they comply with the order to install an IID. Sixty-two percent of judges report that the offender must show proof to the court that they have complied with the interlock order, while 8% report that both the court and the Probation Department monitor these cases. Interestingly, 10% of judges admit that there is no follow-up to determine compliance. Clearly, the burden of monitoring IID cases falls on the court.

Judges report that the vast majority of cases where an IID is ordered are monitored, with the court taking most of the responsibility for this function. Is this monitoring effective? Judges were asked what percent of defendants actually install an IID when ordered to do so, and their median response was 40%. More than a quarter of the judges said that none of the offenders comply with the order to install. Thus, non-compliance of offenders with interlock orders is a significant issue, and may affect judges' willingness to order interlocks.

Another factor that may cause judges not to order interlocks is a lack of awareness that they are required for DUI-suspended drivers. To explore this possibility, judges were asked if they were aware of the mandatory IID law – 97% claimed that they know about the law. Thus, it appears that lack of knowledge of the IID laws among judges is not a significant issue, and that there is not a great need to educate them about the laws.

In order to find out about other potential problems using interlock, judges were asked, *"Are there problems with ordering an offender to install an IID on any vehicle that they own or operate?"* Two-thirds of judges responded that there are problems. A follow-up, open-ended, question asked what the problems are, and the responses are listed in Table 3 below.

The cost of ignition interlock devices was the problem most often mentioned by judges. The lack of interlock installers in their area was also noted as a significant problem, as was the time required of them to monitor defendants ordered to install an interlock device.

In addition to problems in using ignition interlocks in sentencing, judges may not order offenders to install interlocks because they do not believe the devices work. In order to explore this possibility, judges were asked whether they thought IIDs are effective. Eighteen percent of judges stated that they thought interlocks were very effective, while 51% said that they were somewhat effective. While this indicates that the majority of judges believe that interlocks work to some extent, almost one-third of judges believe that interlocks are not effective, suggesting that at least some of the non-utilization of IIDs in sentencing may be due to a lack of trust in their effectiveness.

Table 3

Problems in Ordering IID

| Response | Number | Percent |
|-----------------------|--------|---------|
| Cost of devices | 17 | 34.8% |
| No installers in area | 12 | 24.5% |

| | | |
|---|----|--------|
| Too time-consuming to monitor | 8 | 16.3% |
| Offenders drive others' vehicles | 4 | 8.2% |
| Affects other family members | 2 | 4.1% |
| Offender has no vehicle | 2 | 4.1% |
| Offenders do not comply | 1 | 2.0% |
| Offender does not have valid driver license | 1 | 2.0% |
| Charges are pled down | 1 | 2.0% |
| Violations of IID are pled away | 1 | 2.0% |
| Total | 49 | 100.0% |

A follow-up question asked judges whether they believed ignition interlocks have a legitimate role in helping to control DUI offenders, and if so, for which type of offenders. The responses to this question were very similar to those of the previous question on the effectiveness of IIDs; two-thirds of the judges said that IIDs do have a legitimate role, while one-third stated that these devices do not have a legitimate role. Thus, while most judges support the use of IIDs, a significant minority believes that the devices have no role in the control of drunk drivers.

Judges who support the use of IIDs believe that the devices should be used for: repeat drunk drivers (34.5%); repeat drunk drivers and DUI-suspension violators (17.2%); all drunk drivers (17.2%), and; only DUI-suspension violators (6.9%). There appears to be more support among judges for using interlocks for repeat drunk drivers than for the currently mandated group of DUI-suspension violators, which has implications for future policy in this area.

The final question posed to judges was an open-ended one, which simply asked for any other comments that they cared to make. Their responses are listed in Table 4.

Table 4

Other Comments

| Response | Number | Percent |
|--|--------|---------|
| IIDs ineffective/more effective measures available | 6 | 23.1% |
| IIDs cost too much | 5 | 19.3% |
| Contradiction to install if no driver license | 3 | 11.5% |
| Problems with current law | 3 | 11.5% |
| DUI-suspension violators wrong target group | 3 | 11.5% |
| DMV should handle | 3 | 11.5% |
| IIDs should be used | 2 | 7.7% |
| Most offenders do not comply | 1 | 3.9% |
| Total | 26 | 100.0% |

Because only 26 judges replied to this question, the responses should be viewed cautiously. All but 2 of the responses were critical of ignition interlock, with the beliefs that IIDs are not effective and that they cost too much the two most common responses. Nine of the judges were critical of the current law, saying that it is contradictory to require installation of an IID if the defendant has no driver license, that there are problems with the current law, or that DUI-suspension violators are the wrong target group.

Prosecutors

Of the 74 questionnaires mailed to all district and city attorneys in California, 56 were returned, for a response rate of 76%, which is considered good for a mail survey of this type. Four of the questionnaires returned by city attorneys were not completed, because these city attorneys leave the prosecution of DUI and DWS offenses to the district attorney; this left a final sample of 52 questionnaires for the analyses.

As with the survey data for the judges, the data for the prosecutors were unduly influenced by a relatively small number of cases with extreme values, so that the mean was not the best indicator of the average response. Medians are reported instead of means, because they best represent the midpoint for the data from the prosecutor survey.

The median number of DUI cases prosecuted each month by the district and city attorneys sampled was 70, and the median number of DWS cases prosecuted was 30. The median percentage of DUI cases where the prosecutors recommended to the court than an IID be installed was only 10%, and 35% of prosecutors stated that they never

recommend interlock installation for DUI offenders. This is in the same ballpark as the rate at which judges order interlocks for DUI offenders (3%), and indicates that IIDs are infrequently recommended by prosecutors, and ordered by judges, for drunk drivers.

The situation is different with DWS offenders. There is a strong split among prosecutors in recommending interlocks for offenders arrested for DWS. Thirty-six percent of prosecutors never recommend that DWS offenders install an interlock, while 47% say that they always recommend interlocks. Approximately 75% of those prosecutors who never recommend IIDs for DUI offenders also never recommend the devices for DWS offenders—these prosecutors appear to simply oppose interlock. Overall, prosecutors appear to be strongly divided on recommending IIDs for DWS offenders.

Since a substantial proportion of prosecutors do not recommend ignition interlocks for DUI or DWS offenders, an important question is whether they attempt to avoid the mandatory IID law by reducing charges of driving on a DUI-suspended license to lesser offenses. When asked whether they reduce charges in such cases, approximately 80% of prosecutors say that they never reduce charges, and overall, 92% of prosecutors claim that they reduce charges 10% of the time or less. So, although many prosecutors do not recommend IIDs, it appears that they usually do not avoid the mandatory IID law by reducing charges.

It is possible that some district and city attorneys do not recommend IIDs because they are unaware of the mandatory ignition interlock law. One question on the survey asked prosecutors if they were aware of the interlock law, and about 89% said that they were aware of the law. A follow-up question asked those who were unaware of the law whether they would recommend IIDs more often, now that they are aware of the law; all prosecutors who were not previously aware of the law said that they would now recommend interlock. Since the great majority of district and city attorneys are already aware of the mandatory ignition interlock law, it appears that additional efforts to inform them of the law will have only limited effect.

In order to identify barriers to recommending IIDs, prosecutors were asked what hinders them from recommending that offenders install an interlock. The responses to this question are listed in Table 5

Table 5

Barriers to Recommending Installation of an IID

| Response | Number | Percent |
|----------|--------|---------|
|----------|--------|---------|

| | | |
|--|----|--------|
| Offender has no vehicle | 26 | 49.0% |
| No installers in area | 8 | 15.1% |
| Offender is unable to pay for IID | 7 | 13.2% |
| Judges often do not order IID | 7 | 13.2% |
| Burden to other family members | 3 | 5.7% |
| Offender has easy access to other vehicles | 1 | 1.9% |
| Defendant is not a serious offender | 1 | 1.9% |
| <hr/> | | |
| Total | 53 | 100.0% |

Clearly, for prosecutors, the biggest problem in recommending interlocks is that some offenders have no vehicle. This was also a significant problem for judges, with only 19% of judges saying that they simply continue to order an interlock in such cases. Other problems mentioned by prosecutors include the lack of installers in the area, and offenders who are unable to pay for interlock devices, problems also mentioned as significant by judges. Interestingly, another problem mentioned by prosecutors is that judges often do not order an IID, suggesting that at least some prosecutors believe that judges could be utilizing interlocks more often than they currently do.

While it appears that there are significant problems that cause prosecutors to not recommend IIDs, it is also possible that some prosecutors do not recommend interlock because they do not believe that the devices work. In order to explore this, prosecutors were asked whether they believe IIDs are effective in preventing drinking after driving. Twenty-four percent stated that interlocks were very effective, and 61% stated that they were somewhat effective; only 15% of prosecutors believe IIDs are not effective. This compares to about 31% of judges who believe IIDs are not effective, so that it appears that prosecutors have more confidence than judges that ignition interlock devices are effective in preventing drinking after driving.

This greater confidence in the effectiveness of ignition interlocks on the part of prosecutors as compared to judges is reflected in their different responses to the question of whether IIDs have a legitimate role in helping to control DUI offenders. While 32% of judges stated that interlocks do not have a legitimate role, only 6% of prosecutors said IIDs do not have a legitimate role.

Given that the great majority of district and city attorneys believe that there is a legitimate role for IIDs, who do they think should be ordered to install them? Most prosecutors (54%) who support the use of IIDs believe that they should be used primarily for repeat DUI offenders. In addition, 17% of prosecutors say that IIDs should be ordered for DUI-suspension violators, 17%, would target high-BAC offenders, and 12% think that all DUI offenders should be ordered to install an IID. As

with judges, there seems to be greatest support among prosecutors for utilizing ignition interlocks for repeat DUI offenders.

Prosecutors were asked two open-ended questions. The first question asked what can be done to enhance the prosecution of DUI-suspension violators, and the second simply asked them for any other comments that they cared to make about ignition interlock devices. Prosecutors' responses to the first question are presented below, in Table 6.

Table 6

Enhancing Prosecution of DUI-Suspension Violators

| Response | Number | Percent |
|---|--------|---------|
| Better service of suspension order | 11 | 29.0% |
| Increase jail/fines/other penalties | 10 | 26.3% |
| Improve reporting between DMV and courts | 5 | 13.2% |
| Better training for prosecutors/law enforcement | 4 | 10.5% |
| Change suspension or IID laws | 4 | 10.5% |
| Current system is acceptable | 4 | 10.5% |
| Total | 38 | 100.0% |

The most common recommendation made by prosecutors for enhancing the prosecution of DUI-suspension violators is to improve the proof of service of the suspension order. This has been a long-standing problem that centers on proving in court that the defendant knew that their driver license was suspended. Prosecutors also believe that it would be helpful to increase jail, fines or other penalties, including vehicle forfeiture, presumably to better deter and/or incapacitate offenders.

Responses to the second open-ended question, which asked prosecutors to state other comments they cared to make about ignition interlock devices, are shown in Table 7.

Table 7

Other Comments

| Response | Number | Percent |
|---|--------|---------|
| IIDs can be circumvented/more effective measures | 10 | 37.1% |
| IIDs cost too much | 4 | 14.8% |
| IIDs difficult to monitor/enforce | 4 | 14.8% |
| DUI-suspension violators wrong target group | 2 | 7.4% |
| Only recently served by installers-will recommend | 2 | 7.4% |
| Strengthen IID laws | 2 | 7.4% |
| Difficulty working with providers | 1 | 3.7% |
| DMV and installers make presentations | 1 | 3.7% |

IGNITION INTERLOCK

| | | |
|---|----|--------|
| IID affects other family members-this is good | 1 | 3.7% |
| Total | 27 | 100.0% |

Since only 27 responses were received to the question asking for other comments, these results should be viewed with some caution. Only three of the 27 responses indicated support for IIDs. The most common response made by prosecutors is that interlock devices can be circumvented, or that other, more effective, countermeasures are available. Prosecutors also mentioned that IIDs cost too much, and that the IID program is difficult to monitor/enforce. These responses are similar to those made by judges, whose two most common “other” responses also were that IIDs can be circumvented and that they cost too much.

Offenders

Questionnaires were mailed to 128 offenders who had been ordered by the court to install an IID, and 60 were ultimately returned, for a response rate of 47%. While not high, this response rate is acceptable, especially considering the population. Nevertheless, given that half of the sample of offenders did not respond, there may be some limit to generalizing the findings. In addition, these responses represent offenders who comply with an order to install an interlock; most offenders do not comply, and it can be expected that the responses to this survey do not reflect the attitudes and opinions of the significant number of offenders who do not install an IID when ordered to do so.

The offender data, like that from judges and prosecutors, was skewed by a relatively small number of cases with extreme values, so medians, rather than means, are used to represent midpoints in the data.

The purpose of the offender survey is to gain knowledge about offenders’ experiences using IIDs. In order to ensure that those responding to the survey did have experience with an IID, the first question on the survey asked offenders whether the court ordered an IID, and the second asked if the offender installed a device as ordered. All of the offenders responding to the survey indicated that the court ordered them to install an IID, and all but one respondent stated that they did install a device. The one respondent who said that they did not install an IID claimed that they did not install it because they had no money to pay for the device (the questionnaire from this offender who did not install an interlock was removed from the sample).

The median length of time offenders had IIDs installed was 12 months. The range of installation time was 2 months to 24 months. When separate analyses were conducted of responses to survey questions based on length of installation time, no significant differences were found.

Ignition interlock devices are designed to prevent DUI. When offenders were asked whether the device prevented them from driving after drinking, 88% said that it did. A second question asked whether respondents thought that IIDs prevented others from

drinking and driving; 75% of offenders said that these devices did prevent other people from driving after drinking. Clearly, these findings show that the significant majority of offenders believe that IIDs are effective in preventing drinking and driving. It is interesting that a greater percentage of offenders thought that an IID would prevent them from drinking and driving than thought that the device would prevent others from drinking and driving. This could indicate either a social desirability factor (e.g., respondents want to appear more law-abiding), or a belief that others will be less likely to comply with the terms of interlock use.

While interlock devices are designed specifically to prevent mixing drinking with driving, it is possible that having a device installed on a vehicle affects drinking behavior more broadly. In order to assess this, one question asked offenders if the interlock device changed their drinking behavior. Almost three-quarters of offenders said that the IID did change their drinking behavior, suggesting that interlocks may have salutary effects on drinking beyond that of driving after drinking.

A follow-up question asked the 38 offenders who said that the IID changed their drinking behavior, how it did so. The responses to this question are presented in Table 8.

Table 8
How IID Changed Drinking Behavior

| Response | Number | Percent |
|---|--------|---------|
| Do not drink if I want to drive | 14 | 36.9% |
| No longer drink | 10 | 26.3% |
| Reduced drinking | 4 | 10.5% |
| More responsible/cautious | 4 | 10.5% |
| Make alternative transportation plans if drinking | 3 | 7.9% |
| Not worth the hassle to drink and drive | 2 | 5.3% |
| Embarrassing to try to start car after drinking | 1 | 2.6% |
| Total | 38 | 100.0% |

The most common change in their drinking behavior that offenders attribute to having an IID on their vehicle is that they do not drink if they plan to drive. However, a significant number of respondents (26%) said that they no longer drink, or have

reduced their drinking (11%), indicating that IIDs may also change drinking per se, apart from driving. A relatively small number of offenders indicated that they make alternative transportation plans, suggesting that current alternatives to a personal vehicle are not compelling.

In addition to obtaining information on how interlocks affect drinking and driving, it is important to find out how they operate, and whether offenders experience problems with them. When asked if they had experienced problems with the IID, 53% said that they had. While this appears high, it is important to ascertain whether the problems are serious or trivial. A follow-up question asked offenders to describe the problems they experienced, and their answers are displayed in Table 9.

Table 9

Problems with IID

| Response | Number | Percent |
|-------------------------------|--------|---------|
| IID unreliable | 12 | 41.4% |
| Food/drink give false reading | 6 | 20.7% |
| IID drains battery | 3 | 10.3% |
| IID makes driving dangerous | 3 | 10.3% |
| Problems with servicing IID | 2 | 6.9% |
| Problems starting vehicle | 2 | 6.9% |
| Installer damaged vehicle | 1 | 3.5% |
| Total | 29 | 100.0% |

Twenty-nine of the 31 people who said that they experienced problems with the interlock device provided details on the nature of the problem. By far, the most common response is that the IID is unreliable. Some respondents simply said that the device is unpredictable/unreliable, while others said that it would shut down or lock up inappropriately—several respondents claimed that they had to have the IID replaced. A related complaint is that the interlock would give a false reading because of certain foods, mouthwash or cigarettes. These responses, while not of critical importance, suggest that interlocks can have undesirable operational problems.

Of more concern is the complaint made by 3 respondents that the interlock device makes driving dangerous. Two offenders said that they almost became involved in a crash due to the IID, primarily because of the rolling retest. This would appear to be a problem of divided attention, trying to focus on driving while simultaneously blowing into the device to give a breath sample.

While 3 people mentioned safety as an issue in response to the broad question about problems with interlocks, it is of interest to know how widespread this belief is. Another question on the survey specifically asked respondents whether they thought that IIDs interfered with their ability to drive safely. Approximately 37% said that their ability to drive safely was compromised by the IID. This is high enough to be of concern, and the question of safety deserves further attention.

One criticism of IIDs is that they can be bypassed. In order to find out if this is a concern in California, one question on the survey asked offenders if they had attempted to bypass or circumvent the device. Only 3 offenders claimed that they had attempted to bypass the IID, and of these, 2 claimed that they were successful in their attempt. The two who claimed to be successful said that they succeeded by push starting the vehicle, using a bypass cable from Pep Boys, or unplugging the wires connected to the ignition wire and plugging the ignition wire back together. Note that there is a strong social desirability component to this question—we are asking about illegal behavior—so it is possible that these responses underestimate the extent to which people try to bypass IIDs. However, unless many offenders are not truthful in admitting to bypassing the interlock, it appears that the majority of offenders comply with the interlock law by not tampering with the device. This conclusion is supported by the results of the DWS and DUI tracking sample analyses, which showed that only a minority of offenders bypassed the IID. Note that this question does not address the most obvious method of circumventing an interlock device, simply driving another vehicle not equipped with an IID.

One open-ended question simply asked for other comments about IIDs, in order to allow offenders to voice comments that were not addressed by specific questions. Forty-five responses to this question were received, and these are shown in Table 10.

Table 10

Other Comments

| Response | Number | Percent |
|--|--------|---------|
| IIDs are a good countermeasure | 16 | 35.6% |
| IIDs are too expensive | 11 | 24.5% |
| IIDs are ineffective/more effective measures available | 5 | 11.2% |
| IID should be ordered after driving privilege restored | 4 | 8.9% |
| Installers too far away | 2 | 4.4% |
| IID time consuming/bothersome | 2 | 4.4% |
| IID unreliable/affected by food or wine | 2 | 4.4% |
| IID unevenly applied: unfair | 1 | 2.2% |

| | | |
|--|----|--------|
| IID interferes with driving on the job | 1 | 2.2% |
| Need to regulate and audit installers | 1 | 2.2% |
| Total | 45 | 100.0% |

The most frequent response by offenders is that IIDs are a good countermeasure. This, plus the high percentage of offenders who said that IIDs prevent drinking and driving, is somewhat surprising given that IIDs are both a financial and operational burden to offenders. In fact, offenders appear to have more faith in the devices than do judges, one-third of whom stated that they believed that interlocks were not effective. These positive marks given to IIDs by offenders also suggests that the problems mentioned by them are not simply the efforts of disgruntled users to discredit the devices, but rather real problems they experience with the devices.

The second most common “other” response made by offenders was that IIDs are too expensive, a concern also frequently mentioned by judges and prosecutors. There is widespread agreement among all three groups that cost is a problem. Other comments made by offenders were that there are more effective alternatives to IIDs, and that the devices should be ordered after the driving privilege is restored.

A final question was not specifically related to IIDs, but rather asked more generally what can be done to stop people from drinking and driving. The responses to this question are listed in Table 11.

Table 11

Best Methods to Stop Drinking and Driving

| Response | Number | Percent |
|--|--------|---------|
| Use IIDs/require IIDs on all vehicles | 17 | 31.5% |
| Alcohol treatment/ AA | 8 | 14.8% |
| Better education | 7 | 13.0% |
| More severe penalties (i.e. jail/ vehicle impound) | 5 | 9.3% |
| Do not sell alcohol | 4 | 7.4% |
| Alternative transportation | 3 | 5.6% |
| For some people, nothing will work | 3 | 5.6% |
| Fewer alcohol ads/more anti-DUI ads | 2 | 3.8% |
| Close bars earlier | 1 | 1.8% |
| Place breathalyzers in bars | 1 | 1.8% |

| | | |
|----------------------------------|----|--------|
| Take keys from drunk bar patrons | 1 | 1.8% |
| Use a designated driver | 1 | 1.8% |
| Require offender to see an MD | 1 | 1.8% |
| Total | 54 | 100.0% |

The most common response about how to stop drinking and driving given by offenders was to use IIDs/install IIDs on all vehicles. This confirms the generally supportive view offenders have of interlock devices. Education and alcohol treatment were more often suggested than were more severe penalties. Suggestions were also offered targeting the environmental context of drinking, including changes to bar operations as well as to alcohol advertisements. Finally, 3 respondents were more pessimistic, stating that for some people, nothing will work.

Statewide Count of IID Orders

Court IID orders

Computer programs were written to search DMV records and identify all drivers convicted of DWS after July 1, 1999. These programs were run 5 times between December 1999 and February 2002, with each run providing more recent data on all drivers convicted of DWS. SPSS was used to produce frequencies of the number and percent of DWS convictees with IID orders, by quarter, beginning July 1999. These data, for all drivers in California convicted of DWS-DUI, are shown in Table 12.

Table 12

Court IID Orders: DWS-DUI Offenders

| Quarter | Number of DWS-DUI convictions | Number of IID orders | Percent of DWS-DUI with IID order |
|-----------------|-------------------------------|----------------------|-----------------------------------|
| Jul 99 - Sep 99 | 1334 | 78 | 5.8% |
| Oct 99 - Dec 99 | 3099 | 240 | 7.7% |
| Jan 00 - Mar 00 | 3892 | 430 | 11.0% |
| Apr 00 - Jun 00 | 4262 | 479 | 11.2% |
| Jul 00 - Sep 00 | 4325 | 553 | 12.8% |
| Oct 00 - Dec 00 | 4269 | 629 | 14.7% |
| Jan 01 - Mar 01 | 4633 | 858 | 18.5% |
| Apr 01 - Jun 01 | 4646 | 1021 | 22.0% |
| Jul 01 - Sep 01 | 4537 | 1134 | 25.0% |
| Oct 01 - Dec 01 | 4205 | 1121 | 26.7% |

The most noticeable aspect of the data is that the number of DWS-DUI convictions where the court has ordered the installation of an IID has steadily increased over the period. The use of IIDs by the courts was especially low in the period immediately following the effective date of the new IID laws (July 1, 1999), which is not too surprising and indicates the kind of lag that typically occurs upon implementing a new law.

It should be noted that the final period, 10/01 - 12/01, appears to show some slight slowing in the increase in the rate at which courts order IIDs for DWS-DUI convictees. However, this is probably an artifact of the data collection process, attributable to the relatively short time between the last time period and the date that the data were extracted. Thus, it is not clear whether the courts are continuing to increase their use of IIDs, or whether a plateau might soon be reached.

At the end of the period, courts were ordering interlock in about one-quarter of the DWS-DUI cases. While this is a great improvement from the period marking the beginning of the new interlock laws, it is still low and indicates that courts are not ordering IIDs for the significant majority of DWS-DUI convictees. By law, courts are required to order interlocks for all DWS-DUI convictees, and the figures presented here reveal that, to a significant extent, the courts have not implemented the interlock laws as intended. These results confirm the results from the analyses of the DWS-DUI and DUI tracking samples, which also showed that courts generally order IIDs for only a minority of DWS-DUI offenders.

While examining court IID orders in California across time provides important information about the degree to which the state's ignition interlock laws have been implemented, the implementation of the laws can also be assessed by comparing IID-order rates across courts. For this analysis, courts were categorized by county, and IID-order rates for DWS-DUI offenders were calculated for each county.

One of the clearest ways to compare court-IID-order rates among counties is to examine the data visually. Figure 4 presents a California map with the counties outlined in black. As shown in the legend, counties with lighter shades of color have lower court-IID-order rates, while more darkly shaded counties have higher rates of court IID orders.

Figure 4 clearly shows that there is considerable variation in court IID orders by county. In general, it appears that the large, less populated counties, such as Imperial, San Bernardino and Inyo, have low IID-order rates, possibly due in part to a lack of installers to service the area. The highest court-IID-order rates are generally in the smaller, more urban counties, such as Orange, Marin and Santa Clara.

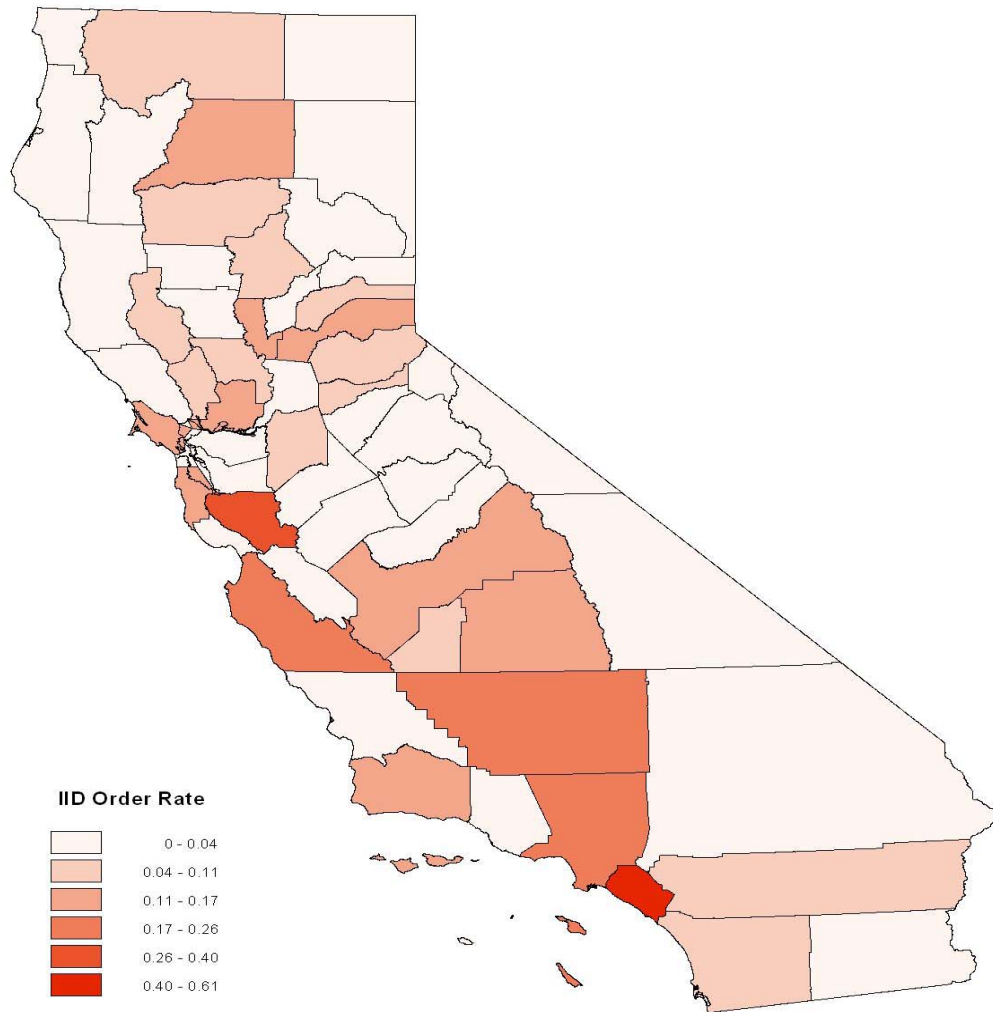


Figure 4. Court IID order rate, by county.

In addition to examining the IID-order rates by county, it is important to look at the numbers of IID orders for each county. Figure 5 presents a visual depiction of the numbers of IIDs ordered by courts for each county in the state. While the same general pattern is observed for numbers as for rates, there are some notable differences. For example, Los Angeles County has a very low court-IID-order rate, but due to the sheer number of DWS cases processed, a moderate number of IID orders. Thus, even though its rate is quite low, Los Angeles County courts still order a significant proportion of the total number of IIDs ordered by courts in California.

The results of the analyses of court IID orders across time and across courts/counties suggest that, while California's ignition interlock laws have generally not been well implemented, the use of the devices in sentencing is increasing, and there are pockets in the state where they are used much more frequently than in the state as a whole. This latter finding suggests that it is possible to implement a judicial IID program with some success, although this generally has not been accomplished in California.

DMV IID restricted licenses

Using computer programs written to search DMV's driver record database, all drivers in California who were issued an IID-restricted driver license by DMV between July 1999 and April 2002 were identified, and identifying information about them was written to an output file. The data were aggregated by month, and the results are displayed in Figure 6.

Based on the effective date of the new interlock law (July 1999), and the requirement in the law that repeat DUI offenders must serve one-half of their license suspension period before they are eligible to apply for an IID-restricted license, the first offenders were not eligible to apply for a restricted license until July, 2000. In fact, the data show that the first IID-restricted license issued by the department didn't occur until September 2000, and by the end of 2000 only 4 IID-restricted licenses were granted.

Figure 6 shows that it wasn't until May 2001 that the number of IID-restricted driver licenses issued by DMV reached the double digits, and that since October 2001, the department has issued approximately 50-60 such licenses each month. It does not appear that the number of IID-restricted licenses will increase much beyond this level, based on the trend of the past 6 months. Thus, as is typical of new programs, the DMV-IID program for repeat DUI offenders took some time to get off the ground, and it appears to have reached a modest plateau.

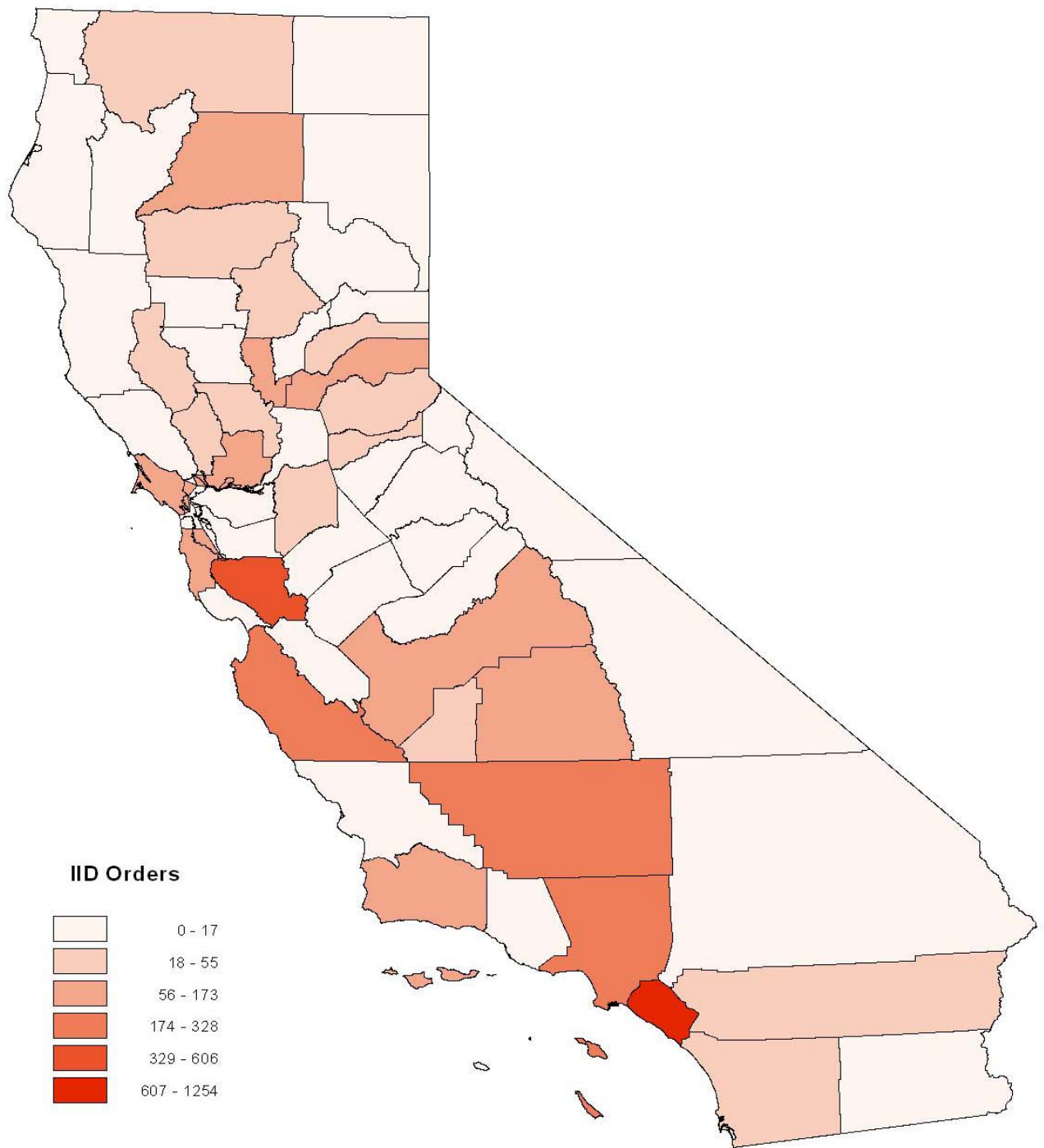


Figure 5. Numbers of court IID orders, by county.

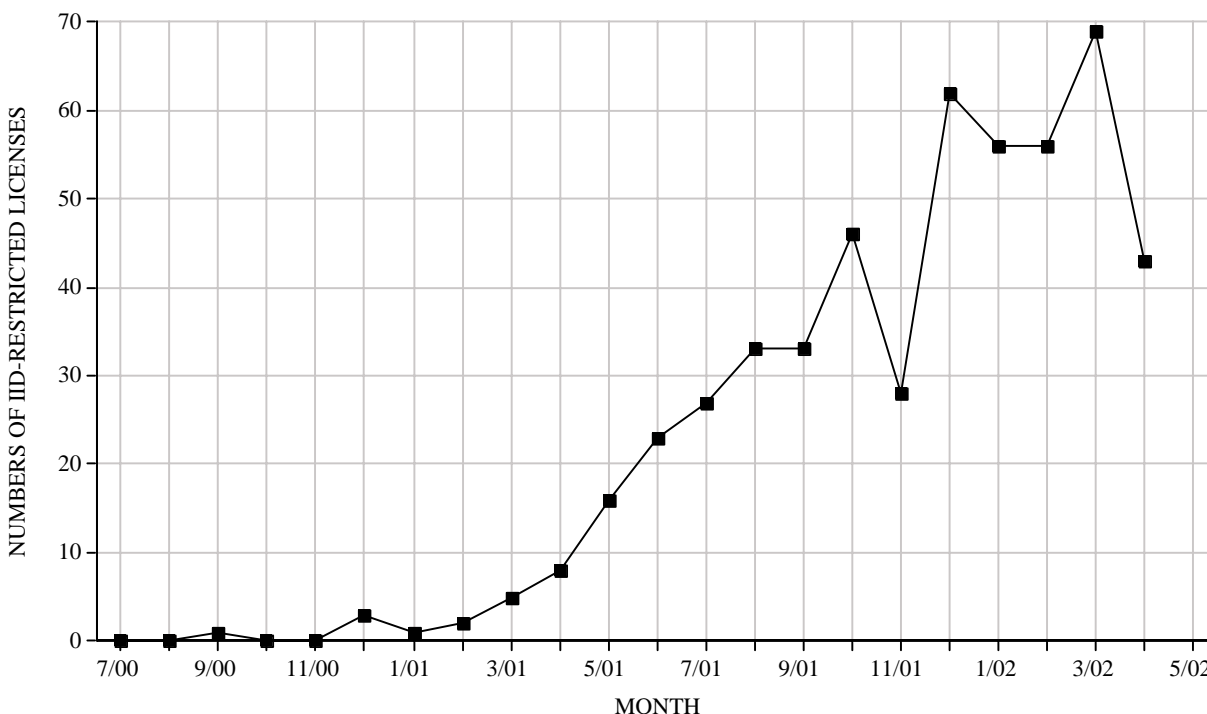


Figure 6. Number of IID-restricted driver licenses issued by DMV.

How modest are the numbers of IID-restricted licenses issued by DMV? Based on data reported in the department's 2002 DUI-MIS report (Tashima & Helander, 2002), it is estimated that by the time the DMV IID program reached its current level in October 2001, there were almost 20,000 suspended repeat DUI offenders who were eligible to apply for an IID-restricted license—46 such licenses were granted by the department that month.

Clearly, the vast majority of repeat DUI offenders are choosing not to install an IID and apply to DMV for a restricted license. This is, perhaps, not too surprising given that most DUI/DWS offenders do not install an interlock when ordered to do so by the court. One barrier that is likely to be at least partially responsible for the low rate at which multiple DUI offenders apply for an IID-restricted license is the difficulty and cost of obtaining insurance, although it is also possible that many repeat DUI offenders are unaware that they may reduce their suspension term by installing an interlock device.

DISCUSSION

California, and several other states, now have more than 15 years experience using ignition interlocks to reduce drunk driving. In California, laws prescribing IIDs for drunk and other high-risk drivers have changed several times over the years, in an

attempt to find the most appropriate place for these devices among the constellation of other sanctions for problem drivers. California's previous interlock laws met with strong judicial resistance, and the current IID law was created in an effort to ameliorate concerns that it didn't make sense to order DUI convictees to install an interlock device when their driver license was suspended. The current law, which mandates IIDs for DWS-DUI offenders, appeared more logical, since these risky drivers have demonstrated that they will continue to drive while disqualified. Is the current interlock law more acceptable to judges and offenders? Are ignition interlock devices an effective traffic safety measure?

The California Legislature wanted answers to these and other questions when it enacted the current IID law, so it added a section to the law which requires DMV to conduct both a process evaluation, designed to provide information on whether the laws have been implemented, and an outcome evaluation, that addresses the issue of whether interlocks are effective in reducing alcohol-related convictions and crashes. This paper presents findings from the process evaluation, which answer questions about interlock implementation in California, and which also provide information that can help explain the results of the outcome evaluation, which is due to the Legislature in two years.

Before the results of the process evaluation are discussed, some caveats about the study need to be mentioned. The studies which tracked samples of DWS-DUI arrestees, and DUI and DWS-DUI convictees, were relatively small by the time subsamples of those offenders who installed the devices were examined, and so the results should be viewed somewhat cautiously. In addition, court data were mostly collected by staff at the courts, while installer data were gathered by the installers—the results of the study depend upon the integrity of the data that courts and installers provided. Finally, it should be mentioned that while the DUI and DWS-DUI conviction samples were selected randomly from throughout the state, the DWS-DUI arrest sample was not, and so is more limited in its generalizability.

It should also be kept in mind that the findings reported on the implementation of the interlock laws by the courts are conservative, because they rely on court-reported data on ignition interlock orders, and there is some ambiguity about what these data mean. While in many cases, a court disposition code for an interlock order appears to represent a true court order to the offender to install an IID, in other cases it appears to be a situation where the judge orders the offender not to drive unless the vehicle is equipped with a functioning ignition interlock device. The former is an order to install an IID, the latter a restriction to the driving privilege. Thus, the IID-order rates reported here are likely inflated, because some of the cases are restrictions, not orders. There is no readily available way to distinguish between the two.

Analyses of the Implementation of Ignition Interlock in California

One of the best indicators of the quality of the prosecution and conviction of DWS offenders, and the degree to which judges are ordering interlocks for them as required by law, is provided by data from the DWS and DUI tracking samples. More than 5,000 drivers arrested for DWS-DUI were tracked from arrest to conviction, and the results showed that only 887 (18%) were convicted of some DWS offense. By law, all 887 should have been ordered to install an IID, but court records indicated that only 83 (11%) received such an order. Of those ordered to install an IID, court records indicated 18 actually complied and installed a device. These results paint a clear picture: the prosecution and conviction of DWS offenders is weak, and courts are ordering IIDs for only a small proportion of those offenders for whom such an order should be mandatory. In addition, most offenders who are ordered to install interlocks apparently do not do so.

While the results discussed so far indicate weak implementation of the interlock laws by the courts, an important question is whether the use of IIDs by the courts has changed since the current mandatory law became effective in July 1999. The study which examined DMV records in order to count court-IID orders statewide showed that the courts have steadily increased their use of interlock in sentencing DWS offenders, and that for the most recent period for which data were available (October - December 2001), courts ordered IIDs for about 27% of DWS-DUI offenders. This IID-order rate is at approximately the same level as the rate at which courts ordered IIDs for repeat DUI offenders under the previous interlock law (prior to 1999). However, the rate of increase in court orders may be slowing, and unless the rate continues to climb, the current IID law may not prove much more popular with judges than the old law. This would be surprising, given that the new law was crafted, in large part, to respond to judicial objections to the old law, and may reveal a lack of support of interlock as a court-imposed countermeasure.

Although the courts have only partially implemented IIDs in sentencing, there is evidence of significant variation among courts in their use of interlock devices. One analysis, which categorized the courts by county, showed that the court-IID-order rate for DWS-DUI offenders ranged from 0% to 61%. This suggests that some judges actively impose the new IID mandate, even though in the state as a whole the judiciary has not embraced it.

The findings show that, not only are there problems with the implementation of the interlock laws by the courts, there are also problems with offenders not obeying a court order to install an interlock device. While offenders generally do not install IIDs as ordered, it does appear that DUI and DWS-DUI offenders may differ in their willingness to comply with an order to install an IID. The results from analyses of the DUI tracking sample showed that about 25% of DUI convictees installed an interlock as ordered, compared to approximately 12% of the DWS-DUI convictees. While these results should be viewed cautiously due to the relatively small sample sizes, they do

suggest that DUI drivers may be more compliant and willing to install an IID than DWS offenders. This is, perhaps, not too surprising, and it has implications for designating a target group for IIDs.

While a majority of DUI and DWS offenders who are ordered to install an IID do not do so, those who do comply and install a device generally appear to be successful in following the terms and conditions of their IID sentence. The bypass rate for offenders who install a device ranges from 8% to 19%, and more than two-thirds ultimately complete their term successfully. It should be noted that this discussion of IID circumvention does not include situations where an offender simply drives a vehicle that is not equipped with an IID.

The discussion about the implementation of California's IID laws has, to this point, focused on the mandatory aspect of the laws, which requires judges to order IIDs for DWS-DUI offenders. However, there is also a discretionary part of the law, that encourages repeat DUI offenders to install an interlock by allowing them to obtain a restricted driver license (after serving half of their suspension term), if they install a device. Has this optional, discretionary program worked better than the mandatory one? The data show that DMV is only issuing about 50-60 IID-restricted licenses a month, and that there are about 20,000 repeat DUI offenders who are potentially eligible for such a restricted license.

These findings are perhaps not too surprising, given that the significant majority of DUI and DWS-DUI offenders do not install an IID even when the court orders them to do so. Clearly, there appears to be substantial opposition on the part of offenders to installing an IID on their vehicles, and even the inducement of cutting their suspension term in half is not sufficient to encourage them to install a device.

Surveys of Judges, Prosecutors and Offenders

The findings from the DWS and DUI tracking analyses, and the statewide count of court IID orders, show that there are significant problems in the implementation of California's ignition interlock laws. However, these findings do not explain why prosecution of DWS offenders is so weak, or why judges do not order all DWS-DUI offenders to install an IID. Surveys of prosecutors, judges and offenders do shed some light on these prosecution and implementation problems.

Prosecution of DWS-DUI offenders is important, because without strong prosecution, DWS-DUI conviction rates, and IID-order rates, will be low. When district and city attorneys were asked what could be done to enhance the prosecution of DWS offenders, their most common response was to improve the proof of service of the suspension order. License suspension orders are mailed to offenders by the DMV, or verbally given to an offender at the time of a DUI arrest by a peace officer. The proof of service

problem arises primarily from the orders mailed by DMV; if there is no acknowledgement on the part of the offender that he received the order, it is difficult for prosecutors to prove in court that he actually received the order and thus knew he was suspended. This problem with low driving while suspended conviction rates and poor proof of service of suspension orders are long-standing ones (DeYoung, 1990; Finkelstein & McGuire, 1971; Helander, 1986).

In addition to prosecuting DWS cases, district and city attorneys have some influence on whether judges order IIDs for DWS or DUI offenders. The results of the survey show that, while prosecutors are sharply divided on whether they recommend the installation of an IID, the vast majority says that they do not reduce DWS charges in order to avoid the IID requirement. In fact, most prosecutors believe that IIDs are at least somewhat effective, and that they have a legitimate role in reducing drunk driving.

So, it appears that district and city attorneys are not philosophically opposed to the use of IIDs, and in fact are supportive of them. Why, then, are they sharply divided over recommending their use? When prosecutors were asked what barriers exist that cause them to not recommend the installation of an ignition interlock, the most common responses were that the offender did not have a vehicle, or that they did not have the ability to pay for an IID. The difficulty in monitoring and enforcing compliance of offenders assigned to interlock was also commonly cited as a barrier. Thus, it appears that it is practical, operational issues, rather than philosophical concerns, that cause district and city attorneys to not recommend IID as a sentencing option.

Judges are ultimately responsible for deciding whether to order an offender to install an IID. Do they have the same concerns as prosecutors, or is something else driving their non-use of IIDs? A telephone survey of more than two dozen judges was conducted about a year before judges were formally surveyed. This telephone survey revealed that more than one-third of the judges were unaware of the new law that required them to order IIDs for DWS-DUI offenders. Not long after that, the department mailed informational bulletins, memos and a video to courts throughout the state in an effort to inform judges of the new interlock law.

The results of the mail survey of judges revealed that judges' lack of knowledge of the new interlock laws no longer appears to be a significant factor in their non-utilization of IIDs - 97% of judges claimed that they were aware of the law. It is likely that the DMV informational campaign had some success in raising awareness of the IID law among judges.

While district and city attorneys generally expressed philosophical support for IIDs, judges were somewhat more critical of the devices. While most judges stated that they believed IIDs were at least somewhat effective and had a legitimate role in curbing

drunk driving, one-third of judges said that the devices were not at all effective and had no role. Thus, among judges, there is some resistance to using IIDs in sentencing because they do not believe that the devices work.

But judges appear to be even more strongly resistant to ordering IIDs because of operational/implementation problems. The reasons most commonly given by judges for not ordering IIDs were: the devices cost too much; there are no interlock installers in their area; many defendants have no vehicle, and; it takes too much extra time to monitor defendants who have been sentenced to an interlock term.

When judges were asked how they dealt with situations where an offender had no vehicle, or did not have sufficient money to pay for an IID, only a minority responded that they maintained the interlock order without modification. One commonly cited method for dealing with these situations was to issue an IID restriction rather than an IID order. In other words, the defendant was not ordered to actually install an IID, but was instructed to either install a device upon obtaining a vehicle, or not to drive unless the vehicle had a functioning ignition interlock device.

The surveys of both prosecutors and judges reveal that there are significant problems with using IIDs in a judicial setting that are precluding their use on a large scale in California. Both prosecutors and judges cite the same barriers to the use of IIDs, and they also are in agreement about the most appropriate target group for IIDs—repeat DUI offenders. This latter point is ironic, since the current IID law changed the target group from all repeat DUI offenders to all DWS-DUI offenders, in an effort to alleviate judicial concerns over ordering multiple DUI offenders to install an interlock when they had suspended driver licenses, and had not yet demonstrated that they would violate the suspension order.

Offenders who installed an interlock were also surveyed, in order to obtain information on how well an interlock functions from a users standpoint. Somewhat surprisingly, offenders were mostly positive about ignition interlocks. A large majority claimed that the device had prevented them from driving after drinking, and most respondents thought that interlocks also prevented others from drinking and driving. In addition, about three-quarters of the offenders claimed that the IID caused them to change their drinking behavior in general in a positive way. It should be noted that these results only generalize to offenders who install an IID. As discussed earlier, most offenders do not install an IID when ordered to do so by the courts, and because they are less cooperative, they may have different attitudes and opinions about interlocks than those who installed a device and who responded to the survey.

While offenders were fairly positive about IIDs, approximately one-half of them claimed that there were some operational problems with the devices. Some of the problems were more annoyances than significant problems, such as the interlock giving

false readings due to the offender's use of mouthwash, but other problems were more serious. More than one-third of the respondents claimed that the IID made driving more dangerous, especially the rolling retest. The issue here is similar to those surrounding the use of a cellular phone while driving, which principally involves divided attention. This is an area that has not been explored in much depth, and it is important enough to warrant further research.

Analyses of IID Reporting Among DMV, Courts & Interlock Installers

In addition to examining rates of conviction, IID orders, IID installation and program success, this process study also examined the integrity of the reporting and record systems among the DMV, court and ignition interlock installers. The results showed that, while the records among all three organizations generally agree, there are some discrepancies. In particular, court and DMV records did not always agree with respect to court IID orders, indicating a potential problem with courts transmitting sentence disposition data to DMV. In the course of the study, it was discovered that some courts were using old, obsolete codes to represent IID orders, so the department developed an IID information bulletin and sent it to all courts in the state. This may have corrected the problem to some extent. However, the analyses of data from the DUI and DWS-DUI conviction samples indicated that DMV records showed IID orders for some offenders for whom court records showed no such order. These appear to be either reporting errors, or situations where the court originally ordered an IID but later amended the sentence, and did not report this to DMV.

There is also some disparity between court records and interlock installer records. One issue is that in many instances, there was no information in the court record on whether the offender bypassed the device. In addition, for drivers in the DWS-DUI sample, the bypass rate on court records was half the rate according to installer records, suggesting either that the installers are inconsistent in transmitting bypass information to the courts, or that the courts do not regularly enter this data on the court record. Courts that rely on a negative reporting system, where only instances of client failure on the IID are reported, are more susceptible to lapses in data transmission than are courts that receive regular progress reports from the installers. It is recommended that the Judicial Council investigate the development of an improved monitoring system for defendants ordered to install an IID, and that consideration be given to implementing a reporting system whereby interlock installers regularly report client progress to the courts.

In addition to these problems of discrepancies among IID records maintained by DMV, courts and ignition interlock installers, there is the issue of what a court-reported IID order really represents. As mentioned earlier, it can indicate either an actual order to the offender to install an interlock device, or it can represent a license restriction, where the offender isn't ordered to install a device, but is told not to drive unless the vehicle is equipped with an IID. The problem with this situation is that it is impossible to know

whether courts are ordering IIDs as required by law, and how many IIDs have been ordered in the state.

At the most basic level, it is important that a driver's DMV record reflect an IID restriction, whether it is a true order to install a device, or a restriction to operating an IID-equipped vehicle, because law enforcement needs this information on the driver record to enforce the IID requirement. However, it is also important to know whether courts are ordering IIDs for DWS-DUI offenders, as required by law. A change to current procedures could ensure that IID restrictions are placed in the driver record, and also clarify when the court has ordered an offender to install a device.

It is recommended that legislation be enacted to require the DMV to place an IID license restriction on the record of any person convicted of DWS-DUI, until such a time that the person is legally licensed again. In addition, court-reported dispositions (code="I") representing an IID order would be reserved for only those cases where the court actually ordered the offender to install an interlock device. Finally, in situations where the offender was arrested for DWS-DUI and the case was pled down to a lesser DWS charge, and the court used the interest of justice exclusion to **not** order the offender to install an IID, the court would use an abstract disposition code indicating a DWS-DUI plea down for the case; DMV would alter its computer programs so that the combination of the disposition code, with a non-DUI DWS offense, would result in an IID-license restriction on the driving record.

These recommendations would both clarify when the court has actually ordered an offender to install an IID, and also ensure that DWS-DUI offenders receive an IID restriction on their driving records, regardless of whether a device has actually been ordered. In some ways, this would shift responsibility for the IID restriction from the courts to DMV, although the order to install an IID would remain with the courts. This change would require a modification to the current IID law, and would also necessitate a concerted effort on the part of DMV to educate the courts on IID reporting.

Conclusion

When all of the findings are considered together, a clear picture emerges of the present state of California's ignition interlock laws. Conviction rates for DWS are low, only about a quarter of DWS offenders who should be ordered by the court to install an IID actually receive either an IID order or an IID restriction, and the significant majority of offenders who are ordered to install a device do not do so. In addition, few repeat DUI offenders choose to install an interlock in order to reduce their suspension term and obtain a restricted driver license. In short, California's current ignition interlock laws have not been successfully implemented.

But there appear to be cogent reasons for the low level of implementation. While there are some philosophical objections to IIDs, primarily on the part of judges, a larger issue appears to be the operational problems that exist with using IIDs in a judicial setting for DWS and DUI offenders in California. Chief among the problems are that many offenders do not own vehicles, and even many of those who do own vehicles can not afford to pay for an IID. In addition, monitoring offenders ordered to install an IID is time consuming for already overburdened courts. While these problems are serious, they do not appear to be insurmountable, since some courts order IIDs much more frequently than others.

While convincing judges to use IIDs in sentencing will be a major part of any effort to more fully implement California's ignition interlock laws, equally significant is ensuring that those offenders who are ordered to install a device do so. Clearly, the current penalties, or the likelihood that they will be applied, are not sufficient to encourage offenders to comply with the law. The lack of monitoring of offenders once an interlock order is prescribed is probably partially responsible for the low rate of compliance.

Although it may be possible, through closer monitoring and enhanced penalties, to achieve better offender compliance with court-IID orders, it is not clear how to change the current discretionary IID program for repeat DUI offenders to encourage more of them to install an IID. The law presently encourages repeat DUI offenders to install an IID and obtain a restricted driver license by cutting in half their term of license suspension, but even with this inducement, few choose to install an interlock device. Clearly, there is strong opposition among DUI and DWS-DUI offenders to installing an IID on their vehicles.

However, even though most offenders do not install an IID when ordered or given the opportunity to do so, those who do install a device generally appear not to bypass it, and a majority is successful in completing their interlock sentence. When asked about their experiences using the IID, most offenders claim that it prevented them from driving after drinking, and a majority also state that they believe interlocks are successful in preventing others from driving after drinking. This suggests that interlocks may be helpful in preventing DUI.

While the findings from this study show that interlock has not been successfully implemented in California, there are indications that a modified program might be more successful. Such a program would need to find a better way to fund the devices for indigent offenders, deal with offenders who claim to have no vehicle, and restructure the monitoring of offenders ordered to install a device. In addition, sanctions would need to be toughened and consistently applied, so that there would be more incentive for offenders to comply with an order to install an IID. Finally, IID

orders might be targeted to different offenders, perhaps at a different stage of their sentence, and perhaps applied in an administrative rather than judicial setting.

While this report suggests how the current interlock program in California might be improved, the only recommendations made in the report concern changes to the reporting of IID orders/restrictions, and investigating an improved monitoring system for defendants ordered to install an interlock device. These changes do not affect the substantive nature of ignition interlock in California, and it is strongly recommended that California's interlock program not be further modified at this point. The reasons for this are two-fold. First, the implementation of the current law continues to improve, and is already at the same level as that achieved under the prior mandatory law. Secondly, and more importantly, an outcome study will soon be underway which will provide valuable information about the effectiveness of IIDs in California, and it is critical that the current IID laws remain in place until the study is completed. It is possible that the findings from the outcome study will fail to show that interlocks are effective in reducing DUI recidivism in California, in which case the issue changes from how to modify IID laws to encourage their use, to changing them to remove the mandate for their continued use. Given the bulk of existing research on ignition interlock devices, which generally shows that the devices can reduce DUI recidivism while they remain installed on the vehicle, such an outcome does not appear likely. However, the previous study of IID in California (EMT Group, 1990) failed to show evidence that they were effective, and this argues that any changes to the current interlock laws should wait until the legislatively mandated outcome study of interlock is completed.

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APPENDIX A

Assembly Bill No. 762

CHAPTER 756

An act to amend Sections 11837 and 11837.1 of the Health and Safety Code, to amend Sections 1803, 12813, 13352, 13352.4, 14601.2, 23160, 23161, 23166, 23186, 23203, 23204, 23235, 23246, and 23247 of, to amend the heading of Article 4.5 (commencing with Section 23246) of Chapter 12 of Division 11 of, to add Section 23249.1 to, to repeal Sections 23167 and 23187 of, and to repeal and add Sections 13352.5 and 23249 of, the Vehicle Code, relating to vehicles

. [Approved by Governor September 22, 1998. Filed
with Secretary of State September 23, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 762, Torlakson. Vehicles: ignition interlock devices: driver's license restriction.

(1) Under existing law, if a person is referred to an 18-month or 30-month licensed alcohol and other drug education and counseling service program, the Department of Motor Vehicles is required to revoke or suspend the privilege of the person to operate a motor vehicle if the person has failed to comply with the rules and policies of the program. The department is required to notify the person and the court and to inform the person of the opportunity to be reinstated in the program and to avoid suspension of the driving privilege in accordance with a specified procedure.

Existing law also provides for termination in the participation in the described alcohol and drug program of persons who refuse to consent to a chemical test.

This bill would require the department to suspend, rather than suspend or revoke, the privilege, would delete the requirement that the department inform the court, would delete the program reinstatement and opportunity to avoid the suspension procedure, and would delete procedures regarding failure to consent to a chemical testing. The bill would make technical, conforming changes.

(2) Under existing law, a person, who is convicted of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood-alcohol concentration, or driving when addicted to any drug, (DUI), is required to be punished by specified imprisonment and fines. The punishment is enhanced if a person is convicted of a second violation by, among other things, providing that the court prohibit the person from operating a motor vehicle unless a functioning, certified ignition interlock device is installed and that the privilege to operate a motor vehicle is required to be suspended by the Department of Motor Vehicles for 18 months.

This bill would require that suspension to be for 2 years. However, the bill would allow the person to apply to the department after the completion of 12 months of the suspension period for a restricted license subject to specified conditions, including the person's continued enrollment and participation in described treatment programs and if the person agrees to install and maintain a certified, functioning ignition interlock device. The bill would require persons who are convicted of driving with a suspended or revoked license where that suspension or revocation was based on prior convictions of the DUI offenses described above, to install the described

devices. The bill would make a conforming change with respect to a person who is granted probation upon a second offense.

(3) Existing law authorizes a court to prohibit any person who is convicted of a first offense of the DUI offenses described above from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device. Existing law imposes administering and monitoring duties upon the courts, administrative offices of the courts, the Judicial Council, and county probation officers with regard to the ignition interlock device program. Other duties and responsibilities are imposed upon the Department of Motor Vehicles.

This bill would substantially recast the ignition interlock device program by authorizing the court to require the department to prohibit any person who is first convicted of the above-described DUI offense from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device. The bill would require the court to require any person convicted of driving a vehicle with a suspended or revoked license based on a prior DUI conviction to install an ignition interlock device for a period not to exceed 3 years or until the person's driving privilege is reinstated by the department. The bill would allow a person who is convicted of a DUI offense when the offense occurred within 7 years of one or more separate violations that resulted in a conviction to apply to the department for a restricted driver's license prohibiting, among other things, the person from operating a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device. The bill would apply these provisions to out-of-state residents who otherwise would qualify for an ignition interlock restricted license in this state. The bill would require the department and the courts to undertake certain duties, as revised, regarding administering and monitoring the ignition interlock device program currently undertaken by the courts, administrative offices of the courts, the Judicial Council, and probation officers. To the extent that the court would be required to order and monitor the installation and maintenance of these devices for specified offenders, including certain additional offenders, the bill would impose a state-mandated local program.

The bill would require the department to report to the Legislature on or before January 1, 2002, regarding certain aspects of the ignition interlock device program.

(4) Existing law requires the department to restrict the driver's license of any person convicted of violating the DUI provisions specified above, if (a) a court has certified to the department that the court has granted probation to the person under conditions that include participation in a specified drug and alcohol treatment program, described in (1), (b) the court has restricted the person's privilege to operate a motor vehicle, and (c) the person gives proof of financial responsibility, as defined. If a person who has been granted probation, as specified, fails at any time to participate successfully in the specified treatment program, the court is required to revoke or terminate the probation and order the department to suspend the person's driver's license, as specified.

This bill, instead, would require the department to issue a restricted driver's license, as specified, if the person (a) submits proof of enrollment in, or completion of, a specified drug and alcohol treatment program, as described, (b) submits proof of financial responsibility as described, and (c) pays all applicable reinstatement or reissue fees and any restriction fee required by the department. The restriction would become effective when the department receives all of the specified documents and fees and would remain effective for a specified period.

The bill would require the department to suspend, instead of restrict, the person's driver's license upon receipt of notification from the treatment

program that the person has failed to comply with the program requirements. The license would remain suspended until the person presents evidence to the department that the person has completed the treatment program and proof of financial responsibility.

(5) Existing law requires the department to suspend for one year and, thereafter, restrict for an additional 2 years the driver's license of a person convicted of violating a specified provision prohibiting driving under the influence and causing bodily injury to another person, if the court has granted probation under conditions similar to those specified above and the person gives proof of financial responsibility, as specified.

This bill, instead, would require the department to revoke the person's driver's license as one of the conditions of probation.

(6) Existing law requires the Department of Motor Vehicles to immediately suspend the privilege to operate a motor vehicle of any person who attempts to bypass or tamper with an installed ignition interlock device, as specified, and requires the installer to notify the department.

This bill would include attempts to remove the interlock device within the above provisions. Because a violation of this provision under existing provisions of law would be a crime, this bill would expand the scope of that crime, thereby imposing a state-mandated local program.

(7) Existing law does not provide a specific procedure and authorization with regard to the removal of an ignition interlock device from a vehicle that has been impounded.

This bill would provide that procedure and authorization by authorizing the manufacturer or installer of an ignition interlock device to remove the device from a vehicle that has been impounded for any reason during the normal business hours.

(8) This bill would repeal the ignition interlock device program as of January 1, 2005, unless a later enacted statute deletes or extends that date.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(10) The bill would incorporate additional changes in Section 23166 of the Vehicle Code proposed by AB 2674, to become operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.

(11) This bill would incorporate changes in Section 11837 of the Health and Safety Code proposed by AB 1916 to become operative only if both bills are enacted and become effective on or before January 1, 1999, and this bill is enacted last.

(12) This bill would provide that its provisions shall become operative on July 1, 1999.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as, and may be cited as, the Bryan Fabian, Elijah and Isaac Howell Prevention of Drunk Driving Act.

SEC. 2. Section 11837 of the Health and Safety Code is amended to read:

11837. (a) Pursuant to the provisions of law relating to suspension of a person's privilege to operate a motor vehicle upon conviction for driving while under the influence of any alcoholic beverage or drug, or under the

combined influence of any alcoholic beverage and any drug, as set forth in paragraph (3) of subdivision (a) of Section 13352 of the Vehicle Code, the Department of Motor Vehicles shall restrict the driving privilege pursuant to Section 13352.5 of the Vehicle Code, if the court has notified the department pursuant to Section 13352 of the Vehicle Code that the person convicted of that offense has consented to participate for at least 18 months in a program designed to offer alcohol and other drug education and counseling services that is licensed pursuant to this chapter.

(b) In determining whether to refer a person, who is ordered to participate in a program pursuant to Section 668 of the Harbors and Navigation Code, in a licensed alcohol and other drug education and counseling services program pursuant to Section 23161 of the Vehicle Code, or, pursuant to Section 23166, 23171, 23176, 23181, 23186, or 23191 of the Vehicle Code, in a licensed 18-month or 30-month program, the court may consider any relevant information about the person made available pursuant to a presentence investigation, that is permitted but not required under Section 23205 of the Vehicle Code, or other screening procedure. That information shall not be furnished, however, by any person who also provides services in a privately operated, licensed program or who has any direct interest in a privately operated, licensed program. In addition, the court shall obtain from the Department of Motor Vehicles a copy of the person's driving record to determine whether the person is eligible to participate in a licensed 18-month or 30-month program pursuant to this chapter. When preparing a presentence report for the court, the probation department may consider the suitability of placing the defendant in a treatment program that includes the administration of nonscheduled, nonaddicting medications to ameliorate an alcohol or controlled substance problem. If the probation department recommends that this type of program is a suitable option for the defendant, the defendant who would like the court to consider this option shall obtain from his or her physician a prescription for the medication, and a finding that the treatment is medically suitable for the defendant, prior to consideration of this alternative by the court.

(c) The court may, as a condition of probation pursuant to Section 23161 or 23181 of the Vehicle Code, refer a first offender to a licensed program to attend all of the education, group counseling, and interview sessions described in this chapter if ordered to participate in 6, 9, or 12 months of program activities. Notwithstanding Section 13352.5 of the Vehicle Code, if a first offender is referred to a licensed program pursuant to Section 23161 or 23181 of the Vehicle Code, that person may participate in a program if convicted of another offense punishable under Section 23165 or 23185 of the Vehicle Code.

(d) The court may, subject to Section 11837.2, and as a condition of probation, refer a person to a licensed program, even though the person's privilege to operate a motor vehicle is restricted, suspended, or revoked. An 18-month program described in Section 23166 or 23186 of the Vehicle Code or a 30-month program described in Section 23171, 23176, or 23191 of the Vehicle Code may include treatment of family members and significant other persons related to the convicted person with the consent of those family members and others as described in this chapter, if there is no increase in the costs of the program to the convicted person.

SEC. 2.5. Section 11837 of the Health and Safety Code is amended to read:

11837. (a) Pursuant to the provisions of law relating to suspension of a person's privilege to operate a motor vehicle upon conviction for driving while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and any drug, as set forth in paragraph (3) of subdivision (a) of Section 13352 of the Vehicle Code, the Department of Motor Vehicles shall restrict the driving privilege pursuant to

Section 13352.5 of the Vehicle Code, if the court has notified the department pursuant to Section 13352 of the Vehicle Code that the person convicted of that offense has consented to participate for at least 18 months in a program designed to offer alcohol and other drug education and counseling services that is licensed pursuant to this chapter.

(b) In determining whether to refer a person, who is ordered to participate in a program pursuant to Section 668 of the Harbors and Navigation Code, in a licensed alcohol and other drug education and counseling services program pursuant to Section 23161 of the Vehicle Code, or, pursuant to Section 23166, 23171, 23176, 23181, 23186, or 23191 of the Vehicle Code, in a licensed 18-month or 30-month program, the court may consider any relevant information about the person made available pursuant to a presentence investigation, that is permitted but not required under Section 23205 of the Vehicle Code, or other screening procedure. That information shall not be furnished, however, by any person who also provides services in a privately operated, licensed program or who has any direct interest in a privately operated, licensed program. In addition, the court shall obtain from the Department of Motor Vehicles a copy of the person's driving record to determine whether the person is eligible to participate in a licensed 18-month or 30-month program pursuant to this chapter. When preparing a presentence report for the court, the probation department may consider the suitability of placing the defendant in a treatment program that includes the administration of nonscheduled nonaddicting medications to ameliorate an alcohol or controlled substance problem. If the probation department recommends that this type of program is a suitable option for the defendant, the defendant who would like the court to consider this option shall obtain from his or her physician a prescription for the medication, and a finding that the treatment is medically suitable for the defendant, prior to consideration of this alternative by the court.

(c) (1) The court shall, as a condition of probation pursuant to Section 23161 or 23181 of the Vehicle Code, refer a first offender whose concentration of alcohol in his or her blood was less than 0.20 percent, by weight, to participate for at least three months or longer, as ordered by the court, in a licensed program that consists of at least 30 hours of program activities, including those education, group counseling, and individual interview sessions described in this chapter. Notwithstanding Section 13352.5 of the Vehicle Code, a first offender who is referred to a licensed program pursuant to Section 23161 or 23181 of the Vehicle Code may participate in a program if convicted of another offense punishable under Section 23165 or 23185 of the Vehicle Code.

(2) Notwithstanding any other provision of law, in granting probation to a first offender described in this subdivision whose concentration of alcohol in the person's blood was 0.20 percent or more, by weight, or the person refused to take a chemical test, the court shall order the person to participate, for at least six months or longer, as ordered by the court, in a licensed program that consists of at least 45 hours of program activities, including those education, group counseling, and individual interview sessions described in this chapter.

(d) (1) The State Department of Alcohol and Drug Programs shall specify in regulations the activities required to be provided in the treatment of participants receiving six months of licensed program services under Section 23161 or 23181 of the Vehicle Code.

(2) Any program licensed pursuant to this chapter may provide treatment services to participants receiving at least six months of licensed program services under Section 23161 or 23181 of the Vehicle Code.

(e) The court may, subject to Section 11837.2, and as a condition of probation, refer a person to a licensed program, even though the person's

privilege to operate a motor vehicle is restricted, suspended, or revoked. An 18-month program described in Section 23166 or 23186 of the Vehicle Code or a 30-month program described in Section 23171, 23176, or 23191 of the Vehicle Code may include treatment of family members and significant other persons related to the convicted person with the consent of those family members and others as described in this chapter, if there is no increase in the costs of the program to the convicted person.

(f) The clerk of the court shall indicate the duration of the program in which the judge has ordered the person to participate in the abstract of the record of the court that is forwarded to the department.

SEC. 3. Section 11837.1 of the Health and Safety Code is amended to read:

11837.1. (a) In utilizing any program described in Section 11837, the court may require periodic reports concerning the performance of each person referred to and participating in a program. The program shall provide the court, the Department of Motor Vehicles, and the person participating in a program with an immediate report of any failure of the person to comply with the program's rules and policies.

(b) If, at any time after entry into or while participating in a program, a participant who is referred to an 18-month program described in Section 23166 of the Vehicle Code or a 30-month program described in Section 23171, 23176, or 23191 of the Vehicle Code, fails to comply with the rules and policies of the program, and that fact is reported, the Department of Motor Vehicles shall suspend the privilege of that person to operate a motor vehicle for the period prescribed by law in accordance with Section 13352.5 of the Vehicle Code, except as otherwise provided in this section. The Department of Motor Vehicles shall notify the person of its action.

(c) If the department withdraws the license of a program, the department shall immediately notify the Department of Motor Vehicles of those persons who do not commence participation in a licensed program within 21 days from the date of the withdrawal of the license of the program in which the persons were previously participating. The Department of Motor Vehicles shall suspend or revoke, for the period prescribed by law, the privilege to operate a motor vehicle of each of those persons referred to an 18-month program pursuant to Section 23166 or 23186 of the Vehicle Code or to a 30-month program pursuant to Section 23171, 23176, or 23191 of the Vehicle Code.

SEC. 4. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court in which a person was convicted of any violation of this code, was convicted of any violation of subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating any water skis, an aquaplane, or similar device, was convicted of any violation of Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation Code, or any violation of Section 191.5 of the Penal Code when the conviction resulted from the operation of a vessel, was convicted of any offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, was convicted of any felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, or was convicted of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within 10 days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

For the purposes of this section, a forfeiture of bail shall be

equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a):

- (1) Division 3.5 (commencing with Section 9840).
- (2) Section 21113, with respect to parking violations.
- (3) Chapter 9 (commencing with Section 22500) of Division 11, except Section 22526.
- (4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).
- (5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).
- (6) Violations for which a person was cited as a pedestrian or while operating a bicycle.
- (7) Division 16.5 (commencing with Section 38000).
- (8) Sections 23221, 23223, 23225, and 23226.

(c) If the court impounds a license, or orders a person to limit his or her driving pursuant to paragraph (2) of subdivision (a) of Section 23161, subdivision (b) of Section 23166, subdivision (b) of Section 23186, or subdivision (d) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

(d) If the court determines that a prior judgment of conviction of a violation of Section 23152 or 23153 is valid or is invalid on constitutional grounds pursuant to Section 41403, the clerk of the court in which the determination is made shall prepare an abstract of that determination and forward it to the department in the same manner as an abstract of record pursuant to subdivision (a).

(e) Within 10 days of an order terminating or revoking probation under Section 23207, the clerk of the court in which the order terminating or revoking probation was entered, shall prepare and immediately forward to the department at its office in Sacramento an abstract of the record of the court order terminating or revoking probation and any other order of the court to the department required by law.

SEC. 5. Section 12813 of the Vehicle Code is amended to read:

12813. (a) The department may, upon issuing a driver's license or after issuance whenever good cause appears, impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may operate or impose other restrictions applicable to the licensee that the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may issue either a special restricted license or may set forth the restrictions upon the usual license form.

(c) The authority of the department to issue restricted licenses under this section is subject to Sections 12812, 13352, and 13352.5.

SEC. 6. Section 13352 of the Vehicle Code is amended to read:

13352. (a) The department shall immediately suspend or revoke, or record the court-administered suspension or revocation of, the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of a violation of Section 23152 or 23153 or subdivision (a) of Section 23109, or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed a violation of Section 23152 or 23153 or

subdivision (a) of Section 23109. If any offense specified in this section occurs in a vehicle defined in Section 15210, the suspension or revocation specified below shall apply to the noncommercial driving privilege. The commercial driving privilege shall be disqualified as specified in Section 15300. For the purposes of this section, suspension or revocation shall be as follows:

(1) Upon a conviction or finding of a violation of Section 23152 punishable under Section 23160, the privilege shall be suspended for a period of six months. The privilege shall not be reinstated until the person gives proof of ability to respond in damages and gives proof satisfactory to the department of successful completion of a program described in subdivision (b) of Section 23161. The department shall issue a restricted license upon receipt of an abstract of record from the court certifying the court has granted probation to the person based on the conditions specified in paragraph (2) of subdivision (a) of, and subdivision (b) of, Section 23161.

(2) Upon a conviction or finding of a violation of Section 23153 punishable under Section 23180, the privilege shall be suspended for a period of one year. The privilege shall not be reinstated until the person gives proof of ability to respond in damages and gives proof satisfactory to the department of successful completion of a program described in Section 23181.

(3) Except as provided in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23165, the privilege shall be suspended for two years. The privilege shall not be reinstated until the person gives proof of ability to respond in damages and gives proof satisfactory to the department of successful completion, subsequent to the most recent underlying conviction, of a program described in Section 23166. The department shall advise the person that after completion of 12 months of the suspension period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily provided, subsequent to the current underlying conviction, either of the following:

(i) Proof of enrollment in a licensed 18-month program pursuant to Section 11836 of the Health and Safety Code.

(ii) Proof of enrollment in a licensed 30-month program, if available in the county of the person's residence or employment, pursuant to Section 11836 of the Health and Safety Code.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 23235.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23246.

(E) The person provides proof of financial responsibility, as defined in Section 16430.

(F) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(G) The restriction shall remain in effect for the period required in subdivision (f) of Section 23246.

(4) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23185, the privilege shall be revoked for a period of three years. The privilege shall not be reinstated until evidence satisfactory to the department establishes that no grounds exist that would authorize the refusal to issue a license, the person gives proof of ability to respond in damages, and the person gives proof satisfactory to the department of successful completion, subsequent to the most recent underlying conviction, of a program described in Section 23186. The department shall advise the person that

after the completion of 18 months of the revocation period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the current underlying conviction, either of the following:

(i) A licensed 18-month program pursuant to Section 11836 of the Health and Safety Code.

(ii) The initial 18 months of a licensed 30-month program, if available in the county of the person's residence or employment, pursuant to Section 11836 of the Health and Safety Code, and the person agrees, as a condition of the restriction, to continue satisfactory participation in that 30-month program.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 23235.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23246.

(D) The person provides proof of financial responsibility, as defined in Section 16430.

(E) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(F) The restriction shall remain in effect for the period required in subdivision (f) of Section 23246.

(5) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23170, the privilege shall be revoked for a period of three years. The privilege shall not be reinstated until the person files proof of ability to respond in damages and gives proof satisfactory to the department of successful completion, subsequent to the most recent underlying conviction, of one of the following programs: an 18-month program or, if available in the county of the person's residence or employment, a 30-month program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. The court shall advise the person at the time of sentencing that completion of one of the programs authorized by this paragraph is required in order to become eligible for a California driver's license. The department shall advise the person that after completion of 18 months of the revocation period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the current underlying conviction, either of the following:

(i) A licensed 18-month program pursuant to Section 11836 of the Health and Safety Code.

(ii) The initial 18 months of a licensed 30-month program, if available in the county of the person's residence or employment, pursuant to Section 11836 of the Health and Safety Code.

The person agrees, as a condition of the restriction, to continue satisfactory participation in the 30-month program.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 23235.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23246.

(D) The person provides proof of financial responsibility, as defined in Section 16430.

(E) Any individual convicted of a violation of Section 23152 punishable under Section 23170 may also, at any time after sentencing, petition the court for referral to an 18-month program or, if available in the county of the person's residence or employment, a 30-month program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the

Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(F) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(G) The restriction shall remain in effect for the period required in subdivision (f) of Section 23246.

(6) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23190, the privilege shall be revoked for a period of five years. The privilege shall not be reinstated until evidence satisfactory to the department establishes that no grounds exist that would authorize the refusal to issue a license, and the person gives proof of ability to respond in damages and proof satisfactory to the department of successful completion, subsequent to the most recent underlying conviction, of one of the following programs: a 30-month program, if available in the county of the person's residence or employment or, if not available, an 18-month program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. The court shall advise the person at the time of sentencing that completion of one of the programs authorized by this paragraph is required in order to become eligible for a California driver's license. The department shall advise the person that after the completion of 30 months of the revocation period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the current underlying conviction, either of the following:

(i) The initial 18 months of a licensed 30-month program, if available in the county of the person's residence or employment, pursuant to Section 11836 of the Health and Safety Code.

The person agrees, as a condition of the restriction, to continue satisfactory participation in the 30-month program.

(ii) A licensed 18-month program pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 23235.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23246.

(D) The person provides proof of financial responsibility, as defined in Section 16430.

(E) Any individual convicted of a violation of Section 23153 punishable under Section 23190 may also, at any time after sentencing, petition the court for referral to an 18-month program or, if available in the county of the person's residence or employment, a 30-month program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(F) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(G) The restriction shall remain in effect for the period required in subdivision (f) of Section 23246.

(7) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23175 or 23175.5, the privilege shall be revoked for a period of four years. The privilege shall not be reinstated until evidence satisfactory to the department establishes that no grounds exist that would authorize the refusal to issue a license, and the person gives proof of ability to respond in damages and proof

satisfactory to the department of successful completion, subsequent to the most recent underlying conviction, of one of the following programs: an 18-month program or, if available in the county of the person's residence or employment, a 30-month program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. The court shall advise the person at the time of sentencing that completion of one of the programs authorized by this paragraph is required in order to become eligible for a California driver's license. The department shall advise the person that after the completion of 24 months of the revocation period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the current underlying conviction, either of the following:

(i) A licensed 18-month program pursuant to Section 11836 of the Health and Safety Code.

(ii) The initial 18 months of a licensed 30-month program, if available in the county of the person's residence or employment, pursuant to Section 11836 of the Health and Safety Code. The person agrees, as a condition of the restriction, to continue satisfactory participation in the 30-month program.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 23235.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23246.

(D) The person provides proof of financial responsibility, as defined in Section 16430.

(E) Any individual convicted of a violation of Section 23152 punishable under Section 23175 may also, at any time after sentencing, petition the court for referral to an 18-month program or, if available in the county of the person's residence or employment, a 30-month program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral.

(F) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(G) The restriction shall remain in effect for the period required in subdivision (f) of Section 23246.

(8) Upon a conviction or finding of a violation of subdivision (a) of Section 23109 punishable under subdivision (e) of that section, the privilege shall be suspended for a period of 90 days to six months, if and as ordered by the court.

(9) Upon a conviction or finding of a violation of subdivision (a) of Section 23109 punishable under subdivision (f) of that section, the privilege shall be suspended for a period of six months, if the court orders the department to suspend the privilege. The privilege shall not be reinstated until the person gives proof of ability to respond in damages.

(b) For the purpose of paragraphs (2) to (9), inclusive, of subdivision (a), the finding of the juvenile court judge, the juvenile traffic hearing officer, or the referee of a juvenile court of a commission of a violation of Section 23152 or 23153 or subdivision (a) of Section 23109, as specified in subdivision (a) of this section, is a conviction.

(c) Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report the findings specified in subdivision (a) to the department.

(d) A conviction of an offense in any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada that, if committed in this state, would be a violation of Section

23152, is a conviction of Section 23152 for purposes of this section, and a conviction of an offense that, if committed in this state, would be a violation of Section 23153, is a conviction of Section 23153 for purposes of this section. The department shall suspend or revoke the privilege to operate a motor vehicle pursuant to this section upon receiving notice of that conviction.

SEC. 7. Section 13352.4 of the Vehicle Code is amended to read:

13352.4. (a) The department shall require a person upon whom the court has imposed the condition of probation required by subdivision (b) of Section 23161 to submit proof of the satisfactory completion of a program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code or of a program defined in Section 8001 of the Penal Code, within a time period set by the department, beginning from the date of a conviction or a finding by a court of a violation of Section 23152.

(b) The department shall suspend the privilege to drive of any person who is not in compliance with subdivision (a).

(c) The department may suspend the privilege to drive of any person for failure to file proof of financial responsibility when the person has been ordered by the court to do so. The suspension shall remain in effect until adequate proof of financial responsibility is filed with the department by the person.

(d) The department shall not restore the privilege to operate a motor vehicle after a suspension pursuant to subdivision (b) until the department receives proof of the completion of a program pursuant to subdivision (a) that the department finds satisfactory.

(e) This section shall become operative on January 1, 1995.

SEC. 8. Section 13352.5 of the Vehicle Code is repealed.

SEC. 9. Section 13352.5 is added to the Vehicle Code, to read:

13352.5. (a) The department shall issue a restricted driver's license to a person granted probation under the conditions described in subdivision (b) of Section 23166 instead of suspending that person's license, if the person meets all of the following requirements:

(1) Submits proof of enrollment in, or completion of, a drug and alcohol treatment program described in paragraph (4) of subdivision (b) of Section 23166.

(2) Submits proof of financial responsibility, as described in Section 16430.

(3) Pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(b) The restriction of the driving privilege shall become effective when the department receives all of the documents and fees required under subdivision (a) and shall remain effective for the period required under Section 23166.

(c) The restriction of the driving privilege shall be limited to the hours necessary for driving to and from the place of employment, driving during the course of employment, and driving to and from activities required in the treatment program.

(d) Whenever the driving privilege is restricted under this section, proof of financial responsibility, as defined in Section 16430, shall be maintained for three years. If the person does not maintain that proof of financial responsibility at any time during the restriction, the driving privilege shall be suspended until proof pursuant to Section 16484 is received by the department.

(e) The restriction imposed under this section may be removed when the person presents evidence satisfactory to the department that the person has completed the drug and alcohol treatment program.

(f) The department shall suspend the privilege to drive under paragraph (3) of subdivision (a) of Section 13352 upon receipt of notification from the treatment program that the person has failed to comply with the program requirements.

(g) After completion of 12 months of the suspension or probation period, the offender may apply to the department for a restricted driver's license, subject to the conditions specified in paragraph (3) of subdivision (a) of Section 13352.

SEC. 10. Section 14601.2 of the Vehicle Code is amended to read:

14601.2. (a) No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of a violation of Section 23152 or 23153 if the person so driving has knowledge of the suspension or revocation.

(b) Except in full compliance with the restriction, no person shall drive a motor vehicle at any time when that person's driving privilege is restricted pursuant to Article 2 (commencing with Section 23152) of Chapter 12 of Division 11, if the person so driving has knowledge of the restriction.

(c) Knowledge of suspension or revocation of the driving privilege shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. Knowledge of restriction of the driving privilege shall be presumed if notice has been given by the court to the person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(d) Any person convicted of a violation of this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in the county jail for not less than 10 days or more than six months and by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23170, subdivision (b) of Section 23175, or subdivision (b) of Section 23175.5, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(2) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5, by imprisonment in the county jail for not less than 30 days or more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23170 or subdivision (b) of Section 23175, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(e) If any person is convicted of a first offense under this section and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(f) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 30 days.

(g) If any person is convicted of a second or subsequent offense that results in a conviction of this section within seven years, but over five years, of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(h) Pursuant to Section 23246, the court shall require any person convicted of a violation of this section to install a certified ignition interlock device on any vehicle the person owns or operates.

(i) Nothing in this section prohibits a person who is participating in, or has completed, an alcohol or drug rehabilitation program from driving a motor vehicle that is owned or utilized by the person's employer, during the course of employment on private property that is owned or utilized by the employer, except an offstreet parking facility as defined in subdivision (c) of Section 12500.

SEC. 11. Section 23160 of the Vehicle Code is amended to read:

23160. (a) If any person is convicted of a first violation of Section 23152, that person shall be punished by imprisonment in the county jail for not less than 96 hours, at least 48 hours of which shall be continuous, nor more than six months and by a fine of not less than three hundred ninety dollars (\$390), nor more than one thousand dollars (\$1,000).

(b) The court shall order that any person punished under subdivision (a), who is to be punished by imprisonment in the county jail, be imprisoned on days other than days of regular employment of the person, as determined by the court. If the court determines that 48 hours of continuous imprisonment would interfere with the person's work schedule, the court shall allow the person to serve the imprisonment whenever the person is normally scheduled for time off from work. The court may make this determination based upon a representation from the defendant's attorney or upon an affidavit or testimony from the defendant.

(c) Except as provided in paragraph (2) of subdivision (a) of Section 23161, the person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (1) of subdivision (a) of Section 13352.

SEC. 12. Section 23161 of the Vehicle Code is amended to read:

23161. (a) Except as provided in subdivision (d), if the court grants probation to any person punished under Section 23160, in addition to the provisions of Section 23206 and any other terms and conditions imposed by the court, the court shall impose as a condition of probation that the person be subject to one of the following:

(1) Be confined in the county jail for at least 48 hours but not more than six months, and pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000). Except as provided in paragraph (2), the person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (1) of subdivision (a) of Section 13352.

(2) Pay a fine of at least three hundred ninety dollars (\$390) but not more than one thousand dollars (\$1,000), and, if the person gives proof of financial responsibility, as defined in Section 16430, to the Department of Motor Vehicles, have the privilege to operate a motor vehicle restricted for 90 days to necessary travel to and from that person's place of employment and to and from participation in a program described in subdivision (b). If driving a motor vehicle is necessary to perform the duties of the person's employment, the restriction also shall allow the person to drive to locations within the person's scope of employment. Whenever the driving privilege is restricted pursuant to this paragraph, the person shall maintain proof of financial responsibility for three years.

(3) If the court elects to order a 90-day restriction as provided for in paragraph (2), the court shall order that the restriction commence on the date of the reinstatement by the Department of Motor Vehicles of the person's privilege to operate a motor vehicle. If a suspension was imposed pursuant to Section 13353.2, the person shall be advised by the court of all of the following matters:

(A) The person's restricted driver's license does not allow the person to operate a motor vehicle unless and until the suspension under Section 13353.2 has either been served to completion or set aside, and his or her license has been reinstated.

(B) The restriction of the driver's license ordered by the court shall commence upon the reinstatement of the privilege to operate a motor vehicle.

(b) Except as provided in subdivision (c), in any county where the board of supervisors has approved, and the State Department of Alcohol and Drug Programs has licensed, a program or programs described in Section 11837.3 of the Health and Safety Code, the court shall also impose as a condition of probation that the driver shall enroll and participate in, and successfully complete, an alcohol and other drug education and counseling program, licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, in the driver's county of residence or employment, as designated by the court.

(c) (1) The court shall revoke the person's probation pursuant to Section 23207, except for good cause shown, for the failure to enroll in, participate in, or complete a program specified in subdivision (b).

(2) The court, in establishing reporting requirements, shall consult with the county alcohol program administrator. The county alcohol program administrator shall coordinate the reporting requirements with the department and with the State Department of Alcohol and Drug Programs. That reporting shall ensure that all persons who, after being ordered to attend and complete a program, may be identified for either (A) failure to enroll in, or failure to successfully complete, the program, or (B) successful completion of the program as ordered.

(d) Notwithstanding subdivision (a), if the offense occurred in a vehicle requiring a driver with a class A or class B driver's license or with an endorsement specified in Section 15278, the court shall upon conviction order the department to suspend the driver's privilege pursuant to paragraph (1) of subdivision (a) of Section 13352.

SEC. 13. Section 23166 of the Vehicle Code is amended to read:

23166. If the court grants probation to any person punished under Section 23165, in addition to the provisions of Section 23206 and any other terms and conditions imposed by the court, the court shall impose as conditions of probation that the person be subject to either subdivision (a) or (b), as follows:

(a) Be confined in the county jail for at least 10 days but not more than one year, and pay a fine of at least three hundred ninety dollars (\$390) but not more than one thousand dollars (\$1,000). The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (3) of subdivision (a) of Section 13352.

(b) All of the following:

(1) Be confined in the county jail for at least 48 hours but not more than one year.

(2) Pay a fine of at least three hundred ninety dollars (\$390) but not more than one thousand dollars (\$1,000).

(3) Have the privilege to operate a motor vehicle be restricted by the Department of Motor Vehicles pursuant to Section 13352.5, unless the offense occurred in a vehicle requiring a driver with a class A or class B driver's license or with an endorsement prescribed in Section 15278.

(4) Either of the following:

(A) Enroll and participate, for at least 18 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, as designated by the court. The person shall complete the entire program subsequent to, and shall

not be given any credit for any program activities completed prior to, the date of the current violation. The program shall provide for persons who cannot afford the program fee pursuant to paragraph (2) of subdivision (b) of Section 11837.4 of the Health and Safety Code in order to enable those persons to participate.

(B) Enroll and participate, for at least 30 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code. The person shall complete the entire program subsequent to, and shall not be given any credit for any program activities completed prior to, the date of the current violation.

SEC. 13.5. Section 23166 of the Vehicle Code is amended to read:

23166. If the court grants probation to any person punished under Section 23165, in addition to the provisions of Section 23206 and any other terms and conditions imposed by the court, the court shall impose as conditions of probation that the person be subject to either subdivision (a) or (b), as follows:

(a) Be confined in the county jail for at least 10 days but not more than one year, and pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000). The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (3) of subdivision (a) of Section 13352.

(b) All of the following:

(1) Be confined in the county jail for at least 96 hours, but not more than one year. A sentence of 96 hours of confinement shall be served in two increments consisting of a continuous 48 hours each. The two 48-hour increments may be served nonconsecutively.

(2) Pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000).

(3) Have the privilege to operate a motor vehicle be restricted by the Department of Motor Vehicles pursuant to Section 13352.5, unless the offense occurred in a vehicle requiring a driver with a class A or class B driver's license or with an endorsement prescribed in Section 15278.

(4) Either of the following:

(A) Enroll and participate, for at least 18 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, as designated by the court. The person shall complete the entire program subsequent to, and shall not be given any credit for any program activities completed prior to, the date of the current violation. The program shall provide for persons who cannot afford the program fee pursuant to paragraph (2) of subdivision (b) of Section 11837.4 of the Health and Safety Code in order to enable those persons to participate.

(B) Enroll and participate, for at least 30 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code. The person shall complete the entire program subsequent to, and shall not be given any credit for any program activities completed prior to, the date of the current violation.

SEC. 14. Section 23167 of the Vehicle Code is repealed.

SEC. 15. Section 23186 of the Vehicle Code is amended to read:

23186. If the court grants probation to any person punished under Section 23185, in addition to the provisions of Section 23206 and any other terms and conditions imposed by the court, the court shall impose as conditions of

probation that the person be subject to the provisions of either subdivision (a) or (b), as follows:

(a) Be confined in the county jail for at least 120 days and pay a fine of at least three hundred ninety dollars (\$390), but not more than five thousand dollars (\$5,000). The person's privilege to operate a motor vehicle shall be revoked by the Department of Motor Vehicles pursuant to paragraph (4) of subdivision (a) of Section 13352.

(b) All of the following:

(1) Be confined in the county jail for at least 30 days, but not more than one year.

(2) Pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000).

(3) Have the privilege to operate a motor vehicle revoked by the Department of Motor Vehicles under paragraph (4) of subdivision (a) of Section 13352.

(4) Either of the following:

(A) Enroll and participate, for at least 18 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, if available in the county of the person's residence or employment, as designated by the court. The person shall complete the entire program subsequent to, and shall not be given any credit for program activities completed prior to, the date of the current violation. The program shall provide for persons who cannot afford the program fee pursuant to paragraph (2) of subdivision (b) of Section 11837.4 of the Health and Safety Code in order to enable those persons to participate.

(B) Enroll and participate, for at least 30 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a program licensed pursuant to Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code, if available in the county of the person's residence or employment. The person shall complete the entire program subsequent to, and shall not be given any credit for program activities completed prior to, the date of the current violation.

SEC. 16. Section 23187 of the Vehicle Code is repealed.

SEC. 17. Section 23203 of the Vehicle Code is amended to read:

23203. If a person is placed on probation pursuant to this article, the court shall promptly notify the Department of Motor Vehicles of the probation and probationary term and conditions in a manner prescribed by the department. The department shall place the fact of probation and the probationary term and conditions on the person's records in the department.

SEC. 18. Section 23204 of the Vehicle Code is amended to read:

23204. If a person's privilege to operate a motor vehicle is required or ordered to be suspended or revoked by the Department of Motor Vehicles pursuant to other provisions of this code upon the conviction of an offense of this article, that person shall surrender each and every operator's license of that person to the court upon conviction. The court shall transmit the license or licenses required to be suspended or revoked to the Department of Motor Vehicles pursuant to Section 13550, and the court shall notify the department.

This section does not apply to an administrative proceeding by the Department of Motor Vehicles to suspend or revoke the driving privilege of any person pursuant to other provisions of law.

SEC. 19. Section 23235 of the Vehicle Code is amended to read:

23235. (a) The Department of Motor Vehicles shall certify or cause to be certified ignition interlock devices required by this article and publish a list of approved devices.

(b) The Department of Motor Vehicles shall utilize information from an independent laboratory to certify ignition interlock devices on or off the premises of the manufacturer or manufacturer's agent, in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition devices. If the certification of a device is suspended or revoked, the manufacturer of the device shall be responsible for, and shall bear the cost of, the removal of the device and the replacement of a certified device of the manufacturer or another manufacturer.

(c) No model of ignition interlock device shall be certified unless it meets the accuracy requirements and specifications provided in the guidelines adopted by the National Highway Traffic Safety Administration.

(d) All manufacturers of ignition interlock devices that meet the requirements of subdivision (c) and are certified in a manner approved by the Department of Motor Vehicles, who intend to market the devices in this state, first shall apply to the Department of Motor Vehicles on forms provided by that department. The application shall be accompanied by a fee in an amount not to exceed the amount necessary to cover the costs incurred by the Department of Motor Vehicles in carrying out this section.

(e) The Department of Motor Vehicles shall ensure that standard forms and procedures are developed for documenting decisions and compliance and communicating results to relevant agencies. These forms shall include all of the following:

(1) An "Option to Install," to be sent by the Department of Motor Vehicles to repeat offenders along with the mandatory order of suspension or revocation. This shall include the alternatives available for early license reinstatement with the installation of an ignition interlock device and shall be accompanied by a toll-free telephone number for each manufacturer of a certified ignition interlock device. Information regarding approved installation locations shall be provided to drivers by manufacturers with ignition interlock devices that have been certified in accordance with this section.

(2) A "Verification of Installation" form to be returned to the Department of Motor Vehicles by the reinstating offender upon application for reinstatement. Copies shall be provided for the manufacturer or the manufacturer's agent.

(3) A "Notice of Noncompliance" form and procedures to ensure continued use of the interlock device during the restriction period and to ensure compliance with maintenance requirements. The maintenance period shall be standardized at 60 days to maximize monitoring checks for equipment tampering.

(f) Every manufacturer and manufacturer's agent certified by the Department of Motor Vehicles to provide ignition interlock devices shall adopt fee schedules that provide for the payment of the costs of the device by applicants in amounts commensurate with their ability to pay.

SEC. 20. The heading of Article 4.5 (commencing with Section 23246) of Chapter 12 of Division 11 of the Vehicle Code is amended to read:

Article 4.5. Installation of Ignition Interlock Devices

SEC. 21. Section 23246 of the Vehicle Code is amended to read:

23246. (a) In addition to any other provisions of law, the court may require that the Department of Motor Vehicles prohibit any person who is convicted of a first offense violation of Section 23152 or Section 23153 from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device as provided in this article. The court shall give heightened consideration to applying this sanction to first offense violators with 0.20 percent or more, by weight, of alcohol in his or

her blood at arrest, or with two or more prior moving traffic violations, or of persons who refused the chemical tests at arrest. If the court orders the ignition interlock restriction, the term shall be determined by the court for a period not to exceed three years.

(b) The court shall require any person who is convicted of a violation of Section 14601.2 to install an ignition interlock device on any vehicle that the person owns or operates for a period not to exceed three years or until the person's driving privilege is reinstated by the Department of Motor Vehicles.

(c) The court shall include on the abstract of conviction or violation submitted to the Department of Motor Vehicles under Section 1803 or 1816, the requirement for the use of a certified ignition interlock device. The records of the department shall reflect mandatory use of the device for the term ordered by the court.

(d) The court shall advise the person that installation of an ignition interlock device on a vehicle does not allow the person to drive without a valid driver's license.

(e) The court shall monitor the installation and maintenance of any ignition interlock device restriction ordered pursuant to subdivision (a) or (b). If any person fails to comply with the court order, the court shall give notice of the fact to the department pursuant to Section 40509.1.

(f) (1) Pursuant to Section 13352, if any person is convicted of a violation of Section 23152 or 23153, and the offense occurred within seven years of one or more separate violations of Section 23152 or 23153 that resulted in a conviction, the person may apply to the Department of Motor Vehicles for a restricted driver's license pursuant to Section 13352 that prohibits the person from operating a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device, certified pursuant to Section 23235. The restriction shall remain in effect for at least the remaining period of the original suspension or revocation and until all reinstatement requirements in Section 13352 are met.

(2) Pursuant to subdivision (g), the Department of Motor Vehicles shall immediately suspend the privilege to operate a motor vehicle of any person who attempts to remove, bypass, or tamper with the device, or who fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device ordered pursuant to Section 13352. The privilege shall remain suspended for the remaining period of the originating suspension or revocation and until all reinstatement requirements in Section 13352 are met.

(g) Any person whose driving privilege is restricted by the court pursuant to this section or by the Department of Motor Vehicles pursuant to Section 13352 shall arrange for each vehicle with an ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the Department of Motor Vehicles or the court, as appropriate, if the device indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device. There is no obligation on the part of the installer to notify the department or the court if the person has complied with all of the requirements of this article.

(h) Nothing in this section permits a person to drive without a valid driver's license.

(i) The Department of Motor Vehicles shall include information along with the order of suspension or revocation for repeat offenders informing them that after a specified period of suspension or revocation has been completed, the person may either install an ignition interlock device on any vehicle

that the person owns or operates or remain with a suspended or revoked driver's license.

(j) Pursuant to subdivision (a), out-of-state residents who otherwise would qualify for an ignition interlock restricted license in California shall be prohibited from operating a motor vehicle in California unless that vehicle is equipped with a functioning ignition interlock device. No ignition interlock device is required to be installed on any vehicle owned by the defendant that is not driven in California.

(k) If a person has a medical problem that does not permit the person to breathe with sufficient strength to activate the device, then that person shall only have the suspension option.

(l) This article does not restrict a court from requiring installation of an ignition interlock device for any persons to whom subdivision (a) does not apply.

(m) For purposes of this section, "vehicle" does not include a motorcycle until the state certifies an ignition interlock device that can be installed on a motorcycle. However, a court shall order a person subject to this section not to operate a motorcycle for the duration of the ignition interlock restriction period.

(n) For purposes of this section, "owned" means solely owned or owned in conjunction with another person or legal entity. For purposes of this section, "operates" includes operating vehicles that are not owned by the person subject to this section.

SEC. 22. Section 23247 of the Vehicle Code is amended to read:

23247. (a) It is unlawful for a person to knowingly rent, lease, or lend a motor vehicle to another person known to have had his or her driving privilege restricted as provided in Section 13352 or 23246, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person, whose driving privilege is restricted pursuant to Section 13352 or 23246 shall notify any other person who rents, leases, or loans a motor vehicle to him or her of the driving restriction imposed under that section.

(b) It is unlawful for any person whose driving privilege is restricted pursuant to Section 13352 or 23246 to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(c) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted pursuant to Section 13352 or 23246.

(d) It is unlawful to tamper with, or circumvent the operation of, an ignition interlock device.

(e) It is unlawful for any person whose driving privilege is restricted pursuant to Section 13352 or 23246 to operate any vehicle not equipped with a functioning ignition interlock device.

(f) Any person convicted of a violation of this section shall be punished by imprisonment in the county jail for not more than six months or by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(g) If any person who is restricted pursuant to Section 13352 or 23246 violates subdivision (e), the court shall notify the Department of Motor Vehicles, which shall revoke the person's driving privilege for one year from the date the court finds that the person violated this section.

(h) Notwithstanding any other provision of law, if a vehicle in which an ignition interlock device has been installed is impounded, the manufacturer or installer of the device shall have the right to remove the device from the vehicle during normal business hours. No charge shall be imposed for the

removal of the device nor shall the manufacturer or installer be liable for any removal, towing, impoundment, storage, release, or administrative costs or penalties associated with the impoundment. Upon request, the person seeking to remove the device shall present documentation to justify removal of the device from the vehicle. Any damage to the vehicle resulting from the removal of the device is the responsibility of the person removing it.

SEC. 23. Section 23249 of the Vehicle Code is repealed.

SEC. 24. Section 23249 is added to the Vehicle Code, to read:

23249. The Department of Motor Vehicles shall undertake a study and report the findings of that study to the Legislature on or before January 1, 2002, on all of the following matters:

(a) The effectiveness of this article in providing a reduction in the recidivism rate of persons convicted of violations of Section 23152 or 23153, and the reduction in vehicle accidents attributed to the implementation of this article, as revised by the act that added this section.

(b) The overall effectiveness of ignition interlock devices in providing a reduction in the recidivism rate of persons convicted of violations of Section 23152 or 23153, and the reduction in vehicle accidents attributable to the use of those devices.

SEC. 25. Section 23249.1 is added to the Vehicle Code, to read:

23249.1. This article shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2005, deletes or extends that date.

SEC. 26. Section 2.5 of this bill incorporates amendments to Section 11837 of the Health and Safety Code proposed by both this bill and AB 1916. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1999, (2) each bill amends Section 11837 of the Health and Safety Code, and (3) this bill is enacted after AB 1916, in which case Section 2 of this bill shall not become operative.

SEC. 26.5. Section 13.5 of this bill incorporates amendments to Section 23166 of the Vehicle Code proposed by both this bill and AB 2674. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1999, (2) each bill amends Section 23166 of the Vehicle Code, and (3) this bill is enacted after AB 2674, in which case Section 13 of this bill shall not become operative.

SEC. 27. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 28. This act shall become operative on July 1, 1999.

Appendix B

Court

43470

Docket Number

638124

Name

Smith, John

DOB

9/28/1954

Conviction date

8/15/2000

Violation 1

23152

Violation 2

14601.2

Violation 3

Violation 4

Information Requested From Court on This Offense

Ignition interlock device ordered by court? Yes ____ No ____

Ignition interlock device installed? Yes ____ No ____

If an Interlock Device was installed, please provide the following information

Installation date _____

Installer's name _____

Installers company _____

Interlock device bypassed? Yes ____ No ____

Bypass dates _____

Interlock term successfully completed? Yes ____ No ____

Appendix C

Court

43470

Last name

Smith

First name

John

MI

D

DOB

9/28/1954

Driver license #

A0005473

Conviction date

7/15/2000

Information Requested From Interlock Installer on This Offense

Ignition interlock device installed? Yes ____ No ____

If an Interlock Device was installed, please provide the following information

Installation date _____

Installer's name _____

Installer's company _____

Was the client non-compliant with the interlock device? Yes ____ No ____

If Yes, list dates of non-compliances _____

Court notified of non-compliance? Yes ____ No ____

*What method did you use to notify
Court of non-compliances* _____

Interlock term successfully completed? Yes ____ No ____ Active ____

Appendix D

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS Governor

DEPARTMENT OF MOTOR VEHICLES

LICENSING OPERATIONS DIVISION

P.O. BOX 932345

SACRAMENTO, CA 94232-3450



September 24, 2001

Honorable John Smith
Alameda County Superior Court
1225 Fallon Street - Room 900
Oakland, CA 94612

Dear Honorable John Smith:

At the direction of the California Legislature, the Department of Motor Vehicles is conducting a study of ignition interlock devices. As part of this study, we are interested in learning the experiences and opinions of judges who adjudicate DUI and driving-while-suspended cases.

Your name has been selected at random. We would appreciate it if you would take a few minutes to complete the enclosed short questionnaire. Your responses are strictly confidential and will be combined with the responses received from other judges surveyed. Your participation in this survey can help develop fair and effective laws concerning drinking and driving, and the use of ignition interlock devices.

Please complete the questionnaire and mail it back in the enclosed, self-addressed envelope. If you have any questions, please contact me at (916) 657-7954 or ddeyoung@dmv.ca.gov. Thank you for your assistance with this important, legislatively-required study.

David DeYoung, Research Program Specialist

A handwritten signature in cursive script that reads 'David DeYoung'.

Research & Development Branch

Judge's Ignition Interlock Questionnaire

Please answer each question by placing a check in the appropriate box, and writing comments in the spaces indicated. **Your responses will remain confidential.**

- 1) Approximately how many DUI (CVC 23152/23153) and driving on a DUI-suspended driver license (CVC 14601.2) cases do you hear each month?
DUI _____ Driving on a DUI-suspended license _____
- 2) In about what percentage of DUI or driving on a DUI-suspended driver license cases do you order the offender to install an ignition interlock device on their vehicle?
DUI _____% Driving on a DUI-suspended license _____%
- 3) About what percentage of offenders who are eligible for ignition interlock claim that they do not own a vehicle, or will sell their vehicle?
Do not own a vehicle _____% Will sell their vehicle _____%
- 4) How do you determine that an offender has installed an ignition interlock device?
_____ Offender must show proof of installation to court
_____ The Probation Department monitors installation.
_____ Other (please list) _____
_____ No follow-up to determine compliance.
- 5) What percentage of the offenders you order to install an interlock device actually install the device?
_____%
- 6) Are you aware that, as of July 1999, CVC 23575 requires the court to order offenders convicted of 14601.2 to install an ignition interlock device on any vehicle they own or operate?
Yes _____ No _____

If no, now that you are aware of the statutory requirement to order interlocks for all 14601.2 offenders, will you use it more often when you sentence these offenders?

Yes _____ No _____

- 7) Are there problems with ordering an offender to install an IID on any vehicle that they own or operate?

Yes _____ No _____

If yes, please describe.

- 8) Regarding the requirement to order 14601.2 offenders to install an ignition interlock device on any vehicle that they own or operate, what do you do if:

An offender is indigent?

An offender has no vehicle?

- 9) Are there ignition interlock installers that service your area?

Yes _____ No _____ Don't know _____

- 10) How effective do you think ignition interlock devices are in preventing driving after drinking?

Very effective _____ Somewhat effective _____ Not effective _____

- 11) Do ignition interlock devices have a legitimate role, along with other DUI countermeasures such as fines, license actions and alcohol treatment, in helping to control DUI offenders?

Yes _____ No _____

If yes, for what type of offenders and in which circumstances should interlocks be used?

- 12) Please state any other comments that you would like to make about ignition interlock devices.

IGNITION INTERLOCK

PLEASE RETURN THIS SURVEY FORM IN THE SELF-ADDRESSED STAMPED ENVELOPE. THANK YOU.

Appendix E

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS Governor

DEPARTMENT OF MOTOR VEHICLES

LICENSING OPERATIONS DIVISION

P.O. BOX 932345

SACRAMENTO, CA 94232-3450



September 28, 2001

Honorable John Smith
District Attorney
Alameda County
1225 Fallon Street - Room 900
Oakland, CA 94612

Dear Honorable John Smith:

At the direction of the California Legislature (CVC 23249), the Department of Motor Vehicles is conducting a study of ignition interlock devices. As part of this study, we are interested in learning the experiences and opinions of district and city attorneys who prosecute DUI and driving-while-suspended cases.

Attached to this letter is a brief questionnaire. I would appreciate it if you'd give the questionnaire to one of your attorneys who prosecute DUI and driving-while-suspended cases, and ask them to complete and return it. All responses are strictly confidential, and will be used only in the aggregate, combined with the responses of other district and city attorneys. Your participation in this survey can help develop fair and effective laws concerning drinking and driving, and the use of ignition interlock devices.

I have enclosed a self-addressed envelope to use to return the completed questionnaire and would appreciate it if you would return it by **October 26**. If you have any questions, please contact me at (916) 657-7954 or ddeyoung@dmv.ca.gov. Thank you for your assistance with this important, legislatively-required study.

Sincerely,

A handwritten signature in cursive script that reads "David DeYoung".

David DeYoung, Research Program Specialist
Research & Development Branch

District and City Attorney's Ignition Interlock Questionnaire

*Please answer each question by placing a check in the appropriate box, and writing comments in the spaces indicated. **Your responses will remain confidential.***

- 3) Approximately how many DUI (CVC 23152/23153) and driving on a DUI-suspended driver license (CVC 14601.2) cases do you prosecute each month?

DUI _____ Driving on a DUI-suspended license _____

- 4) In about what percentage of DUI or driving on a DUI-suspended driver license cases do you recommend to the court that the offender install an ignition interlock device on their vehicle?

DUI _____% Driving on a DUI-suspended license _____%

- 3) Are you aware that, as of July 1999, CVC 23575 requires the court to order offenders convicted of 14601.2 to install an ignition interlock device on any vehicle they own or operate?

Yes _____ No _____

If no, now that you are aware of the statutory requirement to order interlocks for all 14601.2 offenders, will you recommend it more often for these offenders?

Yes _____ No _____

- 4) About what percentage of cases where the offender was arrested for 14601.2 are pled down to a lesser charge in order to avoid the mandatory ignition interlock requirement?

_____%

- 5) What do you think could be done to enhance the prosecution of 14601.2 offenders?

- 6) What constraints or barriers exist that cause you not to recommend that an offender install an ignition interlock device on their vehicle (check all that apply)

_____ Offender has no vehicle
 _____ Offender is unable to pay for the interlock device
 _____ There are no interlock installers servicing the area
 _____ Unfair burden on other family members
 _____ Other (please list)

- 7) How effective do you think ignition interlock devices are in preventing driving after drinking?

Very effective _____ Somewhat effective _____ Not effective

- 8) Do ignition interlock devices have a legitimate role, along with other DUI countermeasures such as fines, license actions and alcohol treatment, in helping to control DUI offenders?

Yes _____ No _____

If yes, for what type of offenders and in which circumstances should interlocks be used?

- 9) Please state any other comments that you would like to make about ignition interlock devices.

PLEASE RETURN THIS SURVEY FORM IN THE SELF-ADDRESSED STAMPED ENVELOPE. THANK YOU

Appendix F

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS Governor

DEPARTMENT OF MOTOR VEHICLES

LICENSING OPERATIONS DIVISION
P.O. BOX 932345
SACRAMENTO, CA 94232-3450



October 2, 2001

John Smith
345 South Bend Road
Salinas, CA 98734

Dear John Smith

At the direction of the California Legislature, the Department of Motor Vehicles is conducting a study of ignition interlock devices. As part of this study, we are interested in learning the experiences and opinions of drivers who may have been ordered by the court to install an interlock device on their vehicle.

Your name has been selected at random. We would appreciate it if you would take a few minutes to complete the enclosed short questionnaire. Your responses are strictly confidential and cannot be traced to your driving record. Your participation in this survey can help develop fair and effective laws concerning drinking and driving, and the use of ignition interlock devices.

Please complete the questionnaire and mail it back in the enclosed, self-addressed, postage paid envelope. I would appreciate it if you would return it by October 26th. Thank you for participating in this study.

Sincerely,

A handwritten signature in cursive script that reads "David DeYoung".

David DeYoung, Research Program Specialist
Research & Development Branch

Ignition Interlock Questionnaire

*Please answer each question by placing a check in the appropriate box, and writing comments in the spaces indicated. **Your responses will remain confidential and cannot be traced to your driver record.***

- 1) Upon your conviction for driving-under-the-influence (DUI) or driving while suspended, did the court order you to install an ignition interlock device on your vehicle?

Yes _____ No _____

- 2) ***If*** the court ordered you to install an interlock device on your vehicle, did you install one?

Yes _____ No _____ Not applicable _____

- 3) If the court ordered you to install an interlock device on your vehicle, and you did not install one, why did you not install it?

**PLEASE ANSWER THE FOLLOWING QUESTIONS ONLY IF YOU HAD AN
IGNITION INTERLOCK DEVICE INSTALLED ON YOUR VEHICLE**

- 4) How many months have you had an interlock device on your vehicle? _____

- 5) Has the interlock device prevented you from driving after drinking?

Yes _____ No _____

- 6) Has the interlock device changed your drinking behavior?

Yes _____ No _____

If YES, how?

7) Have you experienced problems with the interlock device?

Yes _____ No _____

If YES, please describe.

8) Have you attempted to bypass or circumvent the device?

Yes _____ No _____

9) ***If*** you have attempted to bypass or circumvent the device, were you successful?

Yes _____ No _____

If YES, how?

10) Does the interlock device interfere with your ability to drive safely?

Yes _____ No _____

11) Do you think interlocks prevent other drivers who have these devices in their vehicles from driving after drinking?

Yes _____ No _____

12) What do you think would work best to stop people from drinking and driving?

Please state any other comments that you would like to make about ignition interlock devices.

PLEASE RETURN THIS SURVEY FORM IN THE SELF-ADDRESSED STAMPED ENVELOPE. THANK YOU.